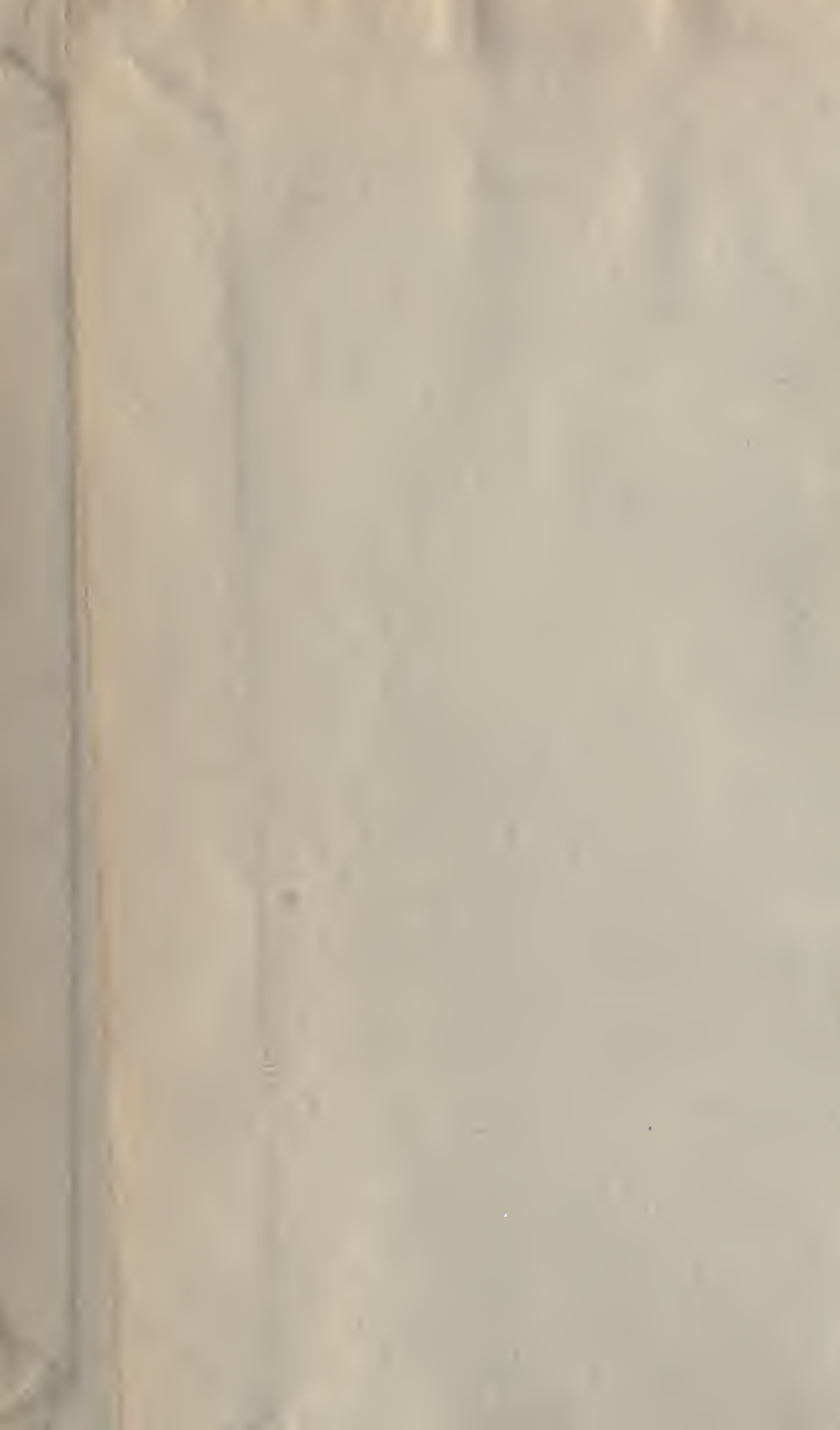


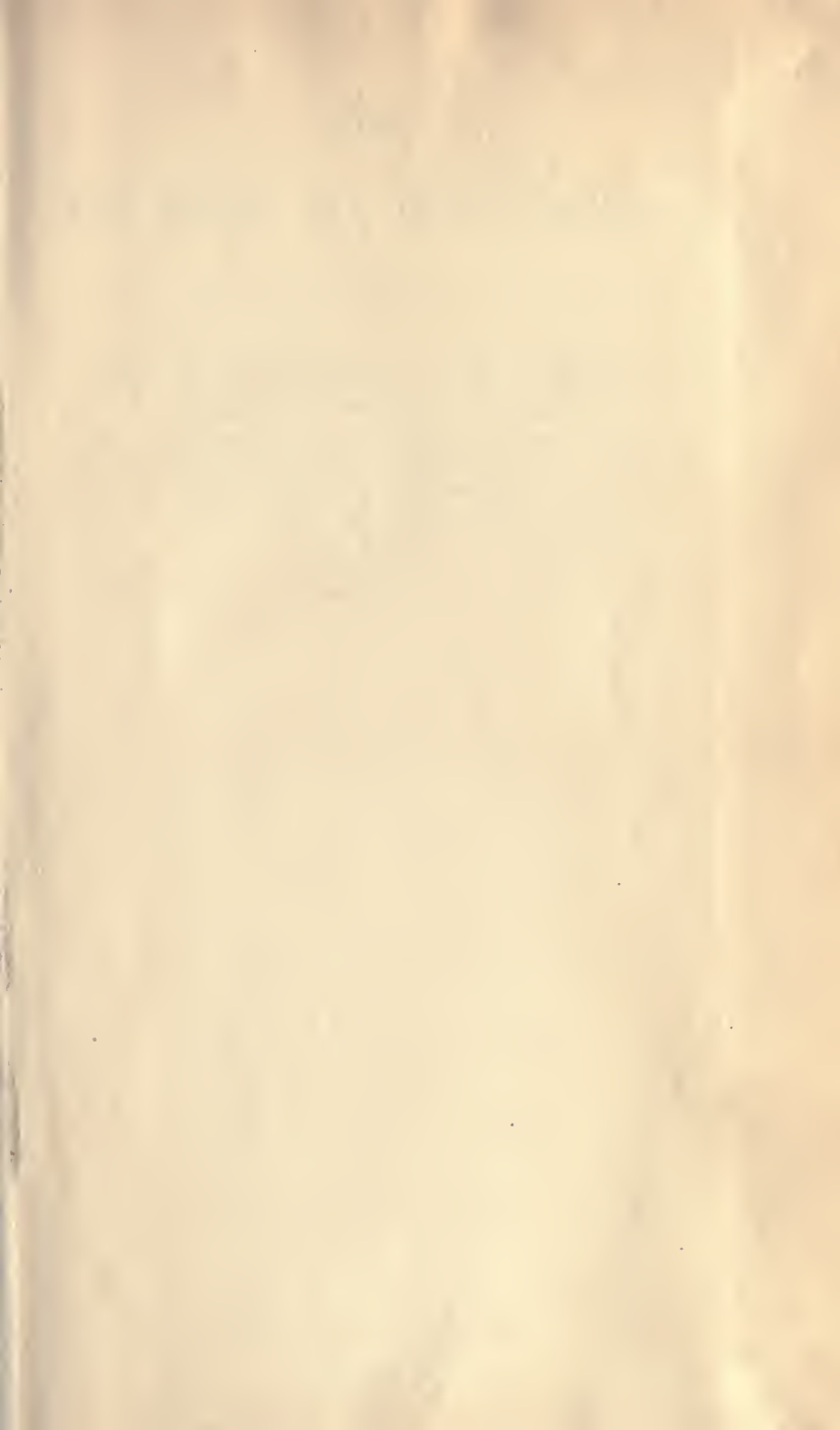
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The Question of the Pacific

An Edition in English of the Work by
Dr. Victor M. Maurtua. Enlarged
in 1901 by F. A. Pezet, F.R.G.S.
and brought up to date by
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PREFACE

“LET US HAVE PEACE.”—GENERAL ULYSSES S. GRANT

Some short time ago I went to New York to receive Dr. Victor M. Maurtua, the newly-appointed Consul-General of Peru at the city of Mexico.

As we were admiring the beautiful monument to the memory of General Grant we conversed on the misfortunes of our country, and he spoke to me of a work, which he had just published, on the burning question of the day in South America.

He told me that he should like to have his work put into English, because, as he stated, “the United States had sympathized so deeply with us during the weary years of our war with Chile, and their government had taken such an active part in trying to bring about an honorable and lasting peace that he regarded it as a duty to give to the public of this great republic a correct version of the question that was still agitating the southern hemisphere.” And he did me the honor to request me to undertake the work, giving me *carte blanche* to add to his text whatever I might think fit, so as to make the English edition a thoroughly comprehensive and accurate statement of the affair, and to bring it up-to-date in every respect.

Looking up toward the beautiful monument that a generous and grateful nation had raised to the statesman and soldier who had helped to make her great and prosperous, by giving her the blessing of peace, I saw the words that I have quoted, and, inspired by them, I soliloquized thus: “Peru seeks peace, lasting and true peace, that will allow her to heal her wounds and to rise again prosperous and happy to work out her destiny. But this cannot come while a portion of her territory is held in bondage and her children

in captivity. To have peace she must be free from all anxiety, she must feel that she has done her duty, and for her to do her duty means for us all to do ours towards her." "Yes," I said to my friend, "let us have peace, and if to attain it we must expose the hand that holds it back it cannot be helped; we owe it to our country. At least we shall have done our duty and others will judge our motives."

The Peruvian edition of this work has a preface from the pen of Señor Javier Prado y Ugarteche. It is written in his best style, clear and to the point.

As I address myself to another public, to one who, however generously and sympathetically he may feel towards our misfortunes, cannot feel as we feel the scourge of the Chilean whip as it strikes us again and again, making our very souls bleed in cruel agony. I shall only give such passages of his remarks as have a direct bearing on the question.

He opens these with the following paragraphs:

"The nations of America, after having achieved their emancipation by a common effort, and having been constituted on the impulse of generous ideals, free from the hereditary privileges and obstacles that obstruct the evolution of the ancient communities of Europe, possessing vast and rich territories that require population and development, and proclaiming the principles of justice and equality, fruits of our civilization, as inseparable from a republican form, everything tended to show that this privileged region of the world would become the tranquil home of work, of peace, of liberty and of confraternity.

"But in the life of nations, the same as in that of individuals, there are terrible passions that rise and agitate them.

"Which is the nation that has lighted the torch of discord and of war, and that maintains all of her neighbors in such a state of anxiety and unrest until it would appear as if there were no other help than to turn these regions into so many fortified camps and give over their waterways to the navigation of warlike fleets?"

"History has had already to record, sorrowfully, the name of the disturber, and, even to-day, without any need of recalling the past, we contemplate with profound bitterness the sombre spectacle presented in the final liquidation of the war of the Pacific—Tacna and Arica."

* * * * *

"What Chile does when pretending to undertake in good faith any negotiations is to follow certain methods well known to her. One of these consists in getting up formalities, pretexts, conferences, discussions, agreements and surprises so as to obtain concessions or to mislead the public mind, and then to invoke titles and rights that she has never possessed, using measures of violence, while bringing charges to bear and threats against her neighbors so as to blame them for a situation created solely through her arbitrary and disloyal conduct.

"This has been the traditional diplomacy of Chile; it became apparent in the treaties of '66 and '74 with the object of justifying her usurpation of Bolivian territory; it used the treaty of defensive alliance between Peru and Bolivia as a pretext for the war against Peru and to deprive her of her wealth; in the Elias-Castellon convention to shamefully drag us to the arbitration of Berne. The circular note of Señor Errazuriz Urmaneta, and the documents issued during the war by her Ministers Fierro and Balmaceda have responded to the same purpose.

"At other times, when she appears to have listened to the voice and counsels of justice and conciliation, she has done so because, by so doing, she has allayed, for the time being, perils that alarmed her, as in the instance of the Billinghurst-Latorre protocol, that was only fraught with the intention of crossing us and of eliminating them when fearing, indeed, the possibility of a war with Argentine, or vice versa, as when during our war when she thus utilized the mission of Balmaceda to the Argentine.

"Perhaps to-day it might not be difficult for Chile to apparently make some agreement, so as to delay and gain time wherein to carry out her plan for the Chileanization of Tacna

and Arica, and at the same time to obstruct under the pretext of pending diplomatic negotiations with Peru, the attitude that she fears may be assumed by the Congress at Mexico or of some of the American States.

"For the moment, undoubtedly, Peru cannot prevent Chile from continuing to occupy by force the territory of Tacna and Arica, but she is bound, to-day more than ever, to defend her rights with dignity and with excessive prudence, and not to allow herself to be surprised by Chilean astuteness.

"On no account, either, must the plebiscitum of Tacna and Arica be determined under unfavorable conditions.

"How could we, for instance, consent to its being held under the policy that Chile is to-day enforcing in those unfortunate provinces? How could we accept that every individual should vote that the conqueror chose to import for that purpose? How can the plebiscitum ever be held under Chilean military authority?"

* * * * *

"Our cause is the cause of justice and of American solidarity. We do not uphold either conquest or war, neither spoliation nor extermination. We desire for peace and the respect of the rights of others. In the name of these sacred principles we have a legitimate title to make ourselves heard.

"Victory, even if at the beginning it were only to be of a moral nature, has great value. An international conscience, the same as an individual conscience, represents an enormous power; it furnishes energies, gives strength and even unforeseen aid to those who obtain its support while it raises insurmountable barriers against those who remain outside its pale.

"As time advances it is no longer a question of barriers; it is the threatening phantom that begins to move, leaving a hollowness in its trail and creating immense repulsion against the culprit.

"Perhaps some day Chile shall realize that the policy to which she is committed is bad, that if it is easy for her to be proud thereof to-day, she is playing with her future; but perhaps when she awakens from the hallucination and opens her eyes to the reality, it may be too late; and then may

fall, crushed by the weight of universal condemnation, the nation who has tried to enthrone force and violence in America and erect them into *the supreme law of nations.*”

In the pages of this book I have kept as closely to the original text and style as was consistent with the nature of the work itself; but I have added a great deal of new data, and inserted important documents and information culled from official records and authors of high standing. I have quoted very freely from the works of unbiased writers, and in not a few cases from Chilean sources.

My guiding thought has been to present a true statement of facts founded upon official documents, and supported by history.

I have searched in archives, dipped into libraries, and brought together in a clear and interesting form the salient points of the controversy.

The press of the whole world has done justice to the cause of Peru, and especially in America it has proved itself righteous in its judgment.

During the days that I have labored upon this book I have derived no small consolation and energy to help me carry out my undertaking, from the unmistakable proofs of sympathy that my country has received from all classes in the United States, and from their representative press. And while this sympathy of the people has spurred me on, the consciousness that such men as Garfield, Arthur, Blaine and McKinley had upheld on every possible occasion the principles that Peru defends, made it still more apparent that, indeed, I was defending a noble cause, outside from every consideration that it was my country's cause.

The late President McKinley, in his last great speech at Buffalo, said:

“God and man have linked the nations together. No nation can longer be indifferent to any other. And as we are brought more and more in touch with each other, the less

occasion is there for misunderstandings, and the stronger the disposition, when we have differences, to adjust them in the court of arbitration, which is the noblest forum for the settlement of international disputes."

And President Arthur, in his message to Congress in 1882, used the following words:

"It is greatly to be deplored that Chile seems resolved to exact such rigorous terms of peace, and indisposed to submit to arbitration the terms of an equitable settlement. No peace is likely to be lasting that is not sufficiently equitable and just to command the approval of other nations."

These words of two Chief Magistrates of this great commonwealth are well worthy of consideration and of application to present conditions, together with Secretary Olney's memorable words in his statement on the Venezuelan boundary question; they constitute a lasting judgment against the present attitude of Chile in her stubborn determination of neither settling, directly or by arbitration, the Tacna and Arica dispute.

"Upon what principle," wrote Secretary Olney, "except her feebleness as a nation, is she to be denied the right of having the claim heard and passed upon by an impartial tribunal? No reason, nor shadow of reason, appears in all the voluminous literature of the subject. 'It is to be so because I will it to be so,' seems to be the only justification Great Britain offers."

F. A. PEZET.

October, 1901.

THE ANCIENT GEOGRAPHY

The vast desert of Atacama, situated between 23° and 27° of south latitude, was from time immemorial practically a no-man's-land, but a century before the Spanish invader discovered and conquered the great Inca Empire, Tupac Yupanqui, the warrior Inca, sent an expedition to the south of his domain and extended his empire to the Maule river, thereby incorporating the desert of Atacama with his vast possessions of South America.

The Spanish adventurers who overran this empire were the first to divide up its territory and form the first demarcations of the future independent republics.

Francisco Pizarro, the conqueror of Peru, as early as 1529 obtained a concession of territories comprising a length of 470 leagues, and the American historian, Prescott, takes this concession to extend from $1^{\circ} 20'$ to $25^{\circ} 31' 24''$ south latitude.

Diego de Almagro, Pizarro's lieutenant, likewise obtained a concession of 200 leagues to the south of his chief's concession. The Royal Charter of the Crown of Spain, whereby this concession is granted, reads thus:

"He will discover, conquer and people the lands and provinces extending along the seaboard to the south and toward the east within 200 leagues in the direction of the Straits of Magellan, taking these 200 leagues from the point where end the limits of the government, which by the concession and our provisions we have entrusted to Captain Francisco Pizarro" * * * *

To the south of Almagro's concession, a third concession was granted to Pedro de Mendoza, the governor of the River Plate. This concession was likewise of 200 leagues, and extended from the southern limit of Almagro's possessions in the direction of the Straits of Magellan.

Almagro was succeeded by Pedro de Valdivia, the founder of the city of Santiago, the present capital of Chile; he was appointed Governor of Chile by President La Gasca, who was then governing Peru in the name of the Spanish Crown. La Gasca wrote on May 7th, 1548, to the Council of Indies, as follows: "On the 23d of April, 1548, Pedro de Valdivia was sent as Governor and Captain-General of the Province of Chile known as 'Nuevo Estremo,' and which limits from Copiapó, which is at 27° from the equinoxial line toward the south until 41° to the north, to south straight meridian, and wide from the sea inland 100 leagues west to east."

The Spanish monarch, Emperor Charles V, confirmed this concession in the following terms:

"Whereas, Licentiate Pedro La Gasca, our President, who was of the Royal Audiencia of the Provinces of Peru, and who at present is Bishop of Placencia, while being in the said Provinces of Peru, by virtue of the special powers which he held from us to appoint new Governors and make new conquests * * * * we declare to be valid for the time which our grace and wish may last, or until we shall decide otherwise, that you shall have the Government of the said Province of Chile, within the limits which the said Bishop of Placencia indicated to you."

This primitive divisory line, which shows the territorial rights of Chile and Peru, was never altered, and it was sanctioned by the principle of American public law, known by the incorrect name of *Uti possidetis* of 1810.

The Viceroyalty of Peru, which was constituted on the basis of the ancient government (*gubernaciones*), comprised all the vast dominions of the Spanish Crown in South America. In later years it was broken up in order to organize the Viceroyalties of Santa Fe and of Buenos Aires. But neither of these partitions affected the northern boundary of Chile.

During the several centuries of the Spanish domination, that boundary line was invariably respected. None of the concessions which were made in favor of the Audiencias of Lima, Charcas and Santiago of Chile, altered this northern boundary, and it remained as it had been drawn up by La

Gasca. During all this time 27° south latitude was the acknowledged northern limit of the government of Chile.

In 1646, Reverend Father Ovalle published at Rome his celebrated work, "Historic Relation of the Kingdom of Chile," on the frontispiece of which appeared a map on which at the point designated as Copayapu, which he names Port of Copiapó, was inscribed the following sentence: *Peruani et Chilenensis regni confina.*

And it is worth recalling that this boundary was not drawn by an imaginary line; it was marked out by means of regular landmarks. These landmarks occupy nearly exactly the position of the parallel which the concessions of Almagro reached.

Viceroy Abascal, in his report for the year 1806, says:

"The Viceroyalty of Peru, after the last dismemberments and annexations, has the following limits: On the north, the Province of Guayaquil; on the south, the desert of Atacama * * * * comprising in all its territory from $32'$ to the north of the equinoxial line to $25^{\circ} 10'$ of south latitude."

The several constitutions which have been promulgated by Chile have always acknowledged as the northern boundary of the republic the line which divided it from the Peruvian Viceroyalty at Copiapó.

The following are extracts from such constitutions:

1822. The territory of Chile recognizes as its natural boundaries, on the south, Cape Horn; on the north, the desert of Atacama.

1823. The territory comprises from Cape Horn to the desert of Atacama.

1828. The Chilean nation extends in a vast territory, limited on the north by the desert of Atacama.

1832. Its territory comprises from north to south, from the desert of Atacama to Cape Horn.

1833. The territory of Chile stretches from the desert of Atacama to Cape Horn.

On March 31st, 1823, the Chilean Government established its most northern department, according to the following text:

First Department: From the desert of Atacama to River Choapa.

In 1826, this division was declared a province, as follows:

First Province: From the desert of Atacama to the River Choapa.

This province shall be known as Province of Coquimbo; its capital city will be La Serena.

When Spain finally acknowledged the independence of Chile by the treaty of 1844, its boundaries were thus described: "All the territory which extends from the desert of Atacama to Cape Horn."

And finally, President Bulnez, of Chile, and Minister Montt, in 1842, acknowledged the Papal Bull by which the Bishopric of La Serena was created, wherein the territory of this diocese is described as extending from the River Choapa to the desert of Atacama.

THE POSSESSION OF ATACAMA BY BOLIVIA

Bolivia, before the War of Peruvian Independence, was known by the name of "Upper Peru." When General Simon Bolivar finally emancipated South America from the Spanish yoke, and definitely set up Peru as a free and independent republic, he constituted Upper Peru into an independent State under the name of Republic of Bolivia.

General Sucre, the first President of the new Republic, commissioned Colonel Francisco B. O'Connor, in 1825, to proceed to the *Province of Atacama* to make a thorough survey of its coast and to establish a seaport. In his instructions the following appears: "*There are three ports*, and of these you may select the best. The said ports are: *Atacama, Mejillones* and *Loa*; the two first have no water, and the third is the one which the Liberator prefers, although it does not afford good anchorage, but solely on account of its close proximity to Potosi and of its river. Should it not be desirable, you will survey the other two, *or any other*, with a view of establishing thereat a large city * * * *."

General Bolivar, the Liberator, issued on the 28th of December, 1825, the following decree:

Simon Bolivar, Liberator, etc., etc., whereas:

First. These provinces have no *established* port, and, as in the *partido de Atacama*, there exists a port known by the name of "Cobija," which offers many advantages;

And considering that it is a just reward to the merits of Grand Marshal Don José de La Mar, victor at Ayacucho, that his name be given to the above-mentioned port: After hearing the permanent deputation;

Hereby decrees:

First. That from the first of January next, the port of these provinces be established at Cobija, under the name of Mar.

Second. That the necessary offices be established there, etc.

ENCROACHMENT AND INVASION

The beginning of Chilean encroachment on Bolivian territory was concurrent with the discovery of guano in the desert of Atacama.

Until 1842 Bolivia had been in unmolested possession of the littoral which she had acquired at the time of her erection as an independent republic.

In that year the Minister of Finance of Bolivia wrote to the Prefect of Cobija as follows: "I have resolved to inform that prefecture that the most stringent measure be adopted, so as to prevent any incursions by the parties holding guano concessions outside of the limits of the Rivers Loa and Paposo, which comprise the littoral of this Republic."

Bolivia at the time had a custom house at the mouth of the Paposo River. Between the years 1842 and 1845 the Consul of Bolivia, at London, brought a suit against the Chilean frigate "*Lacaw*" for having taken clandestinely a cargo of guano from the littoral. The British law courts sentenced the said ship, and the Chilean Minister at London raised no objection either to the suit or to the sentence.

The Government of Bolivia, in order to protect its guano

deposits from any possible raids, commissioned the brig "*General Sucre*" as a war vessel, and some time later this vessel captured the "*Rumera*," a Chilean ship, which was loading guano in Bolivian territory.

From the time of the guano discoveries, the incursions and raids on the Bolivian deposits by Chileans was continuous, so much so that finally the authorities at Cobija decided to put a stop thereto, and to this effect they captured and carried away a party of Chileans who were clandestinely extracting guano near Mejillones. The Chilean war ship "*Chile*" came to their rescue, freed them, and landing a force at Mejillones, constructed a sort of small fort, over which they hoisted the Chilean flag.

When the Bolivian Minister in Chile presented his Government's claims against Chile for this and other aggressions, he stated that "the present policy was in contrast with the course which had been followed only a short time before, when in the case of the schooner '*Janequeo*,' accused of a similar offense, ample satisfaction had been given to the Bolivian Government, and that the aggressive act perpetrated by the man-of-war '*Chile*' did not prove a pacific act of possession, but that it implied an outrage."

Doctor E. S. Zeballos, who was at one time Minister of Foreign Affairs of the Argentine Republic, and Plenipotentiary of that Republic at Washington, in his treatise on Spanish-American Public Law, referring to the action of Chile, says: "This is how Chile first appeared in Atacama, to the north of the Paposo River."

Señor Montt, the President of Chile, in his Message to Congress on July 31st, 1842, said:

"Inasmuch as the usefulness of the substance known as 'guano' has been recognized in Europe, although from time immemorial it has been used as a manure for fertilizing the land on the coast of Peru, I deemed it advisable to send a commission to explore and examine the seaboard from the port of Coquimbo to the head of Mejillones, for the purpose of discovering if any guano deposits existed in the territory of the Republic, which, properly worked, might furnish a new

source of revenue to the treasury; and notwithstanding that the result of the expedition has not come up to our expectations, guano has been discovered from $29^{\circ} 35'$ to $23^{\circ} 6'$ of south latitude."

This Presidential Message served as the introduction to the bill that was discussed and passed by Congress on October 31st, 1842, to the effect that: "All the guano deposits which exist in the Province of Coquimbo, in the littoral of Atacama, and in the adjacent islands, are hereby declared as national property."

From the passing of this law dates the first official step of Chilean expansion to the north of her original frontiers.

But no sooner had this bill become law than Señor Olañeta, Bolivian Plenipotentiary in Chile, acting on instructions from his Government, demanded that the Chilean Executive "should request Congress to formally revoke this law which extended the frontiers of the Republic to the prejudice of Bolivia (January 30th, 1843).

The Chilean Foreign Office, in its reply, feigned surprise, stating that "whatever opinion the Government might form, in view of the reasons and grounds that might be adduced, it could never enter its province to alter the existing laws, by making the declaration which it had been called upon to make."

And thus was started the diplomatic controversy which has extended over a period of sixty years, and caused already one bloody war and created so much ill feeling in the southern continent.

Minister Aguirre succeeded Señor Olañeta as Bolivian Plenipotentiary at Santiago. His mission was likewise fruitless, and while it lasted there were new Chilean aggressions, the protests of Bolivia being invariably met by Chile in the most haughty manner and with little, if any, success.

So matters stood until 1857. By this time the wealth of the Bolivian littoral was a well-known and established fact, and whether, owing to this or to other causes, it matters little, the fact is that on August 20th, 1857, the Chilean man-of-war "*Esmeralda*" entered the port of Mejillones, and with-

out further preamble landed a military force, seized the Bolivian miners and organized the local administration.

When the knowledge of this new act of aggression reached the Government of Bolivia, Congress passed a law urging upon the Government "to employ the necessary means for repairing the national dignity and honor, outraged by these acts of despoliation, and so as to revindicate the integrity of the territory."

As an outcome of this law the Bolivian Government sent Señor M. M. Salinas as Minister Plenipotentiary to Chile. Following his arrival at Santiago, the Minister demanded that the usurped territory be immediately restored to Bolivia. To this Chile refused, declaring that the utmost concession which she was willing to make would be to draw up a boundary treaty, dividing by halves Atacama, between Bolivia and Chile.

The Salinas mission having failed to obtain proper redress, the Bolivian Government sent Señor Santivañez, with new powers; and perhaps feeling its weakness he was instructed to acquiesce in a measure to the Chilean proposals, and to negotiate a boundary treaty. And thus, by a stroke of the pen, Bolivia forgot the outrages against her sovereignty, the *de facto* and vandalic expansion of Chile, the seizure and imprisonment of her citizens, and the dismissal of her own authorities; and by consenting to discuss a boundary treaty, she admitted the possibility of a doubt in regard to her territorial rights, and thereby opened up a question which had no precedents whatever to sustain it.

Santivañez proposed that 25° of south latitude should be the common frontier. The Chilean Government wanted it to be the 23° of south latitude. Either nation appeared unwilling to recede, until Bolivia proposed that the question be submitted to the arbitration of Great Britain. Again the Chilean Government remained inflexible and absolutely refused to accept this conciliating measure.

In the meantime the years had rolled on; the two Governments were still discussing the question, when the Spaniards suddenly appeared in the Pacific, and quickly picking up a quarrel with Chile and Peru, seized upon the Chincha

Islands the great guano deposits, invoking the principle of re-vindication (1864).

In the consternation which followed Chile saw a new opportunity to further her policy of usurpation, and hoisted her flag at Chacaya, to the north of Mejillones.

The successive Bolivian missions to Chile, from that of Olañeta until that of Frias, had vainly striven to obtain redress from their aggressive neighbor; their demands had been rejected, both the restoration of Bolivian ownership over her entire territory, as likewise her appeal for arbitration. During those eventful years, Bolivia had been in the throes of prolonged internecine strife, and to her great misfortune the notorious Melgarejo had now attained power.

THE FIRST DISMEMBERMENT

It is indeed curious, that whereas Melgarejo was considered on all hands to be nothing better than a vulgar adventurer and a tyrant, he was, however, the recipient of the highest honors at the hands of the Chilean Government, who decreed him a generalship in its army, while the Chilean press gratified his coarse vanity in the most gushing manner. It is not surprising, therefore, that his régime should have proved profitable to Chile; although, be it said in justice to the man, and more especially to his country, that he did not go to the extent to which Chile wished him to go.

A Chilean mission was sent to La Paz with Señor Aniceto Vergara Albano as Plenipotentiary, and Señor Carlos Walker Martinez as Secretary; their first steps were directed toward securing a treaty of alliance with Bolivia against Spain, and the idea of a further alliance between the two nations for the settlement of their boundaries was likewise broached.

It is interesting, in view of subsequent events, to notice how Chilean diplomacy acted on this occasion. The Vergara Albano mission was ostensibly sent to Bolivia to negotiate an alliance with that country, and to settle, if possible, the boundary dispute; but the Chilean envoy, notwithstanding

the fact that Peru and Chile were at the time allies against Spain, took advantage of the opportunity to insinuate to Melgarejo's Government the advantages of forming a Chile-Bolivian alliance against Peru.

A brief history of this perfidious insinuation is best told by Señor Mariano D. Muñoz, who was at the time Secretary of State of the Bolivian Government.

In a communication which he addressed on April 21st, 1879, to the Bolivian Plenipotentiary at Lima, he makes the following revelations:

"About the month of March, 1866, Señor Aniceto Vergara Albano was received as Envoy Extraordinary and Minister Plenipotentiary of Chile, in Bolivia, with the object of negotiating and carrying out the proffered alliance (against Spain), and to renew the conferences still pending on the boundary question between both nations.

"The first object having been fulfilled, we next undertook to reopen the conferences, Señor Vergara Albano as Chilean Plenipotentiary, and I as General Secretary of State and Minister of Foreign Affairs.

"After every argument had been exhausted, I formulated the basis, which, in the opinion of the Bolivian Government, might conciliate the interests of both republics, adopting as a basis the partitioning of the disputed territory, actuated by a sentiment of confraternity, and as a friendly and equitable compromise.

"It was in the course of these conferences that I heard the Chilean Plenipotentiary make the propositions to which you refer in the letter to which I now answer, and to the effect that 'Bolivia should agree to renounce all her rights to the disputed zone, from 25° south latitude to the River Loa, or at least to and including Mejillones, with the precise promise that Chile would aid Bolivia, in the most efficacious manner, to acquire by armed occupation the Peruvian littoral as far as the Morro de Sama, as compensation for the cession of the Bolivian littoral to Chile; the reason adduced being that the only natural outlet of Bolivia to the Pacific was through the port of Arica.'

"This proposition was repeatedly made by Señor Ver-

gara Albano, I may say, from the first to the last conference which we held, and he did not fail to reiterate it to President Melgarejo, whose warlike spirit and tendencies he tried to flatter, insinuating the idea of his carrying out a glorious campaign which his predecessors had not been able to undertake. With tenacious perseverance Señor Vergara Albano was seconded in his efforts by his secretary, Señor Carlos Walker Martinez, who had gained the intimate sympathy of Melgarejo, and from whom he obtained the brevet of major in the Bolivian army, offering himself as his aid-de-camp in the future campaign against Peru, to which they were both urging him. In the files of the army register of that date the entry of this commission is undoubtedly to be found.

“The loyal and firm refusal with which both Melgarejo and myself met these insinuations did not suffice to make the Chilean Government desist from its absorbent tendencies and from its aims of usurpation; because, when I was at Santiago on a special mission, a few days before the final termination of the boundary treaty, which was signed at that city on the 10th of August, 1866, between the Plenipotentiaries, Alvaro Covarrubias on the part of Chile, and J. M. Muñoz Cabrera on the part of Bolivia, Señor Covarrubias strenuously insisted upon the demarcation and exchange of littorals which Señor Vergara Albano had proposed to me; and it was not solely Covarrubias, the Minister of Foreign Affairs of Chile, who insinuated the same idea to Muñoz Cabrera and myself, but also many other notable persons of that city, who, although using other arguments, strove to persuade us that Chile was advocating in favor of Bolivia, and that she only had in view the equilibrium of the nations of the Pacific, and the desire of rectifying the boundaries of the three countries in the most natural manner.

“Vergara Albano, Covarrubias and Walker Martinez, and many others to whom I refer, are still living; let them give me the lie if they refuse to lend their homage to the truth of this statement.”

Although this perfidy of Chile did not meet with success, still it is clear to see how the diplomacy of that nation was shaping itself for subsequent events.

The boundary treaty of August 10th, 1866, concluded between Chile and Bolivia, was a most curious document, and it was worded in such a manner as to foreshadow fresh difficulties. Substantially it became a cession of territory.

Article 1st of said treaty says:

"The line of demarcation of the boundaries between Chile and Bolivia, in the desert of Atacama, shall be hereafter the parallel 24° of south latitude, from the Pacific coast to the eastern boundaries. Chile to the south, and Bolivia to the north, shall have the dominion and possession of the territories extending as far as the above mentioned parallel 24, with power to exercise therein all and every act of jurisdiction and sovereignty pertaining to the owner of the land.

"The exact fixing of the line of demarcation between both parts shall be undertaken by a commission formed by experts and properly qualified persons, named in equal proportion by each one of the high contracting parties.

"As soon as this line shall have been fixed upon, it shall be marked on the ground by means of regular and permanent landmarks; the expense which their erection entails shall be divided between the Governments of Chile and Bolivia in equal proportion."

Señor Marcial Martinez, a leading Chilean statesman and diplomatist, explains in the following words how his country happened to result owner of the land extending from the north of Copiapó to parallel 24: "That in every transaction it becomes necessary that consummated acts should be taken into consideration and to a measure acquiesced in, and that although Chile had not possessed without contradiction the port of Mejillones during a sufficiently long period which would allow her to claim it by prescription, in the absence of a better title, nevertheless, the fact of being in possession could not be overlooked at the time of arranging for a settlement."

Notwithstanding that Chile recognizes Bolivia's rights to the territory to the north of said parallel 24, Article II of the treaty stipulated that "the Republics of Chile and Bolivia shall divide by equal parts the proceeds of the exploitation of the guano deposits discovered at Mejillones, and of all

other deposits of this manure that may be discovered between the degrees 23 and 25 south latitude, as likewise the export duties collected on minerals, mined within the above mentioned territory."

Article III establishes that Bolivia should be *obliged* to open and appoint the port of Mejillones, and to establish therein a properly equipped custom house, which should be the *only* fiscal office for the receipt of the guano revenues and the exportation dues on *minerals*. The Government of Chile being authorized to appoint fiscal agents to inspect the Mejillones custom house and to receive the part of the profits belonging to Chile. The same privilege being granted to Bolivia to receive and collect such revenue and dues, in the territory comprised between 24° and 25° south latitude."

Article IV was to the effect that "all the products of the territory comprised between 24° and 25°, and exported from the port of Mejillones, should be free of duty."

By Article V it was stipulated that the system of exportation or the sale of guano and the export dues on minerals mentioned in Article II, should be determined upon by mutual agreement, either by special convention or by other means.

Article VI contained a curious stipulation to the effect that "the high contracting parties bind themselves not to transfer their rights to the territory divided, in favor of another State, society or private individual; and that in the event that either of them should desire to make such a transfer, the purchaser may only be the other contracting party."

Acting upon this treaty Chile established at the port of Mejillones her fiscal intervention without loss of time, and at once began to create new difficulties to her neighbor.

When the rich silver lode of Caracoles was discovered, as it happened to be located in a territory extending over twelve miles, and through the centre of which runs parallel 23°, she claimed that the whole of the territory belonged to her. Later on she declared that all inorganic substances, even if they did not contain minerals, should come under the special provisions of Articles II and V of the treaty.

She likewise demanded that her fiscal agents should extend their intervention to all the other Bolivian ports established within the limits of parallel 24.

All the while these successive encroachments and demands were producing quite a crop of diplomatic claims and counter-claims, and brewing danger generally.

About this time the Chilean settlers on Bolivian soil had organized a political society known as ("La Patria") *The Fatherland*, whose chief aim was to annex the territory to Chile, and to this end a regular propaganda was started. Its members caused all the disturbances and riots; they openly helped the political factions in their revolutionary attempts, and were a constant menace to peace and order.

The Bolivian authorities had, therefore, a most difficult task to perform, and it stands to their credit that, notwithstanding the many obstacles and difficulties which they encountered, they invariably acted with considerable tact, and managed to smooth the most trying situations.

The Chilean residents were allowed to exercise a nearly complete control over the local affairs; they voted in all municipal elections, they formed the juries and held the more important posts in the municipal councils of Cobija, Antofagasta and Caracoles.

Bolivia gave in to every one of Chile's demands, and to this Señor Marcial Martínez, the well-known Chilean diplomatist, bears witness, in his book, "Chile and Bolivia" (published 1873). "Never did Bolivia," says this writer, "refuse to accept the Chilean tariff with slight modifications." And, referring to the classifying of all inorganic substances as minerals, he says: "Chile cannot loyally say that it has cost her any great effort to obtain this from the representatives of Bolivia." And, when further on he speaks of the fiscal intervention which Chile pretended to exercise over all the Bolivian custom houses, he says: "In my opinion we should take into account and give Bolivia credit for the relative moderation with which she has acceded to the Chilean demands. The closing of these incidents, to a large extent, has been achieved by the good-will which Bolivia has displayed towards Chile on more than one occasion; a good-will which

has not been brought about by our diplomatic ability, but from its own virtue."

THE TREATY OF 1874

All of the foregoing incidents which had given rise to so much ill feeling on either side, and which had been productive of very lengthy and tedious diplomatic negotiations, were finally embodied in a protocol drawn up between both parties on the 5th of December, 1872.

According to this protocol the Chilean Government extended its claims to the interior of the desert of Atacama towards the east, and thereby altered the original nature of the question, which, as has been seen, was one relating only to the littoral. Now, the question was more properly one of boundaries, it being the desire of Chile to fix permanently its northern frontier, and to this effect she claimed by Article I, "that the eastern boundaries of Chile, mentioned in Article I of the treaty of 1866, shall be the *highest peaks* of the Andes, and, *therefore*, the line of division between Chile and Bolivia is the 24° of south latitude, from the Pacific Ocean to the summit of the cordillera of the Andes."

This protocol was not approved of by the Chilean Congress or by the Bolivian Assembly, and further negotiations becoming necessary in order to reach a final understanding, in 1874 the following treaty was celebrated:

ARTICLE I. The parallel of the 24° from the ocean to the cordillera of the Andes, in the *divortia aquarum*, is the boundary between the Republics of Bolivia and Chile.

ARTICLE II. For the effects of this treaty the lines of the parallels 23 and 24, established by Commissioner Pissis and Mujiá, and to which the acts of the proceedings of February 10th, 1870, bear testimony, shall be considered as holding and subsisting.

Should there arise any doubts as to the true and exact location of the Caracoles mining district, or of any other mineral-bearing land, and it is thought that they are outside of the zone enclosed between both parallels, their exact ubi-

cation shall be determined by a commission of two experts, each contracting party appointing one, with power to appoint a third to act as umpire, and in the event that they should not be able to agree upon the umpire, this appointment shall be left to the decision of H. M. the Emperor of Brazil. Until it shall be proved to be otherwise, it shall be understood, as it is at present, that this mineral district lies within the aforesaid parallels.

ARTICLE III. The deposits of guano which now exist, or which may be discovered in the future, within the limits mentioned in the preceding article, shall be divided in moiety between Bolivia and Chile; the Governments of the two Republics shall agree by mutual consent on the method of working, administering and selling the guano, adopting the manner and form hitherto employed. (This article was enlarged by the treaty of July 4th, 1875, which stipulated that the guanos which should be worked conjointly were such as lay within parallels 23 and 24, and that all and every question which might arise in reference to the interpretation and scope of the principal treaty should be submitted to the decision of an arbiter.)

ARTICLE IV. The export duties to be levied on the minerals mined within the zone mentioned in the preceding articles shall not exceed those which are in force at the present time; and the Chilean capital, their persons and their industries, shall not be subject to any other taxes of whatsoever kind than at present exist. The conditions expressed in this article shall be binding for a term of twenty-five years.

ARTICLE V. The Chilean natural products which may be imported through the Bolivian littoral, comprised within parallels 23 and 24, shall be free and exempt from the payment of any duty; and as reciprocity the natural products of Bolivia shall enjoy the same privilege on entering the Chilean littoral comprised within the parallels of 24 and 25.

ARTICLE VI. The Republic of Bolivia binds herself to open and establish Mejillones and Antofagasta as permanent ports of the Bolivian littoral.

ARTICLE VII. From this date the treaty of August 10th, 1866, is abrogated in all its parts.

ARTICLE VIII. The present treaty shall be ratified by each of the contracting Republics, and the ratification exchanged at the city of Sucre within a term of three months.

THE ALLIANCE

In the preceding chapters it has been shown how the several encroachments and aggressions on the part of Chile against Bolivia had successively given rise to the treaties of 1866 and 1874, and how Bolivia had spent over thirty years trying to avert a war which every now and then appeared inevitable.

During all the years which followed upon the discovery of guano and minerals in the Bolivian littoral, Chile at no moment overlooked her boundary question with the Argentine Republic, and while she advanced toward the north and acquired a share in the riches of Atacama, she steadily pushed her frontiers to the south and to the east.

Surrounded, therefore, by international questions of her own making, it was but natural that she should prepare against any emergency, and to this effect she utilized all her available resources and her credit abroad.

But while acquiring material strength she sought to consolidate her own political institutions and to weaken her neighbors. The latter was not a difficult task, as the history of Bolivia, Argentine and Peru shows. These countries were continually in the throes of civil wars, their finances were consequently disturbed, and Chile, seizing her opportunity, did not scruple to foster these evils and more or less openly intervened in their internal politics, and by aiding and abetting the several revolutionary leaders and conspirators who sought refuge in her territory, helped materially to keep up a situation which was in every respect favorable to the accomplishment of her ends.

[The earliest aim of Chile was to push Bolivia out of Atacama, and to give her possession of the Peruvian coast as far as Arica, and to displace Argentine from Patagonia and the fertile valleys of the eastern slopes of the Andes) And

it is to-day possible to notice how very consistent her policy has been in both respects. A few instances of this policy may be recalled here.

Very Pro Peru
 Sir Clements R. Markham, the President of the Royal Geographical Society of London, in his "History of Peru," referring to the Chilo-Bolivian boundary question, says: "Thus being admirably prepared, the Chileans began by encroachments on the territory of their Bolivian neighbor * * * * and when Admiral Fitz Roy executed his surveys, inquiries were made of the Chilean authorities as to the position of the boundary, and it was placed to the south of 25° south. It was only when the great value of the Atacama minerals was discovered that any question was raised. Then Chile claimed the 23d parallel."

The same historian, referring to the Peru-Bolivian Confederation of 1836, says:

"The confederation found an implacable enemy in the Chilean Government. Chile, which had been a colony and subordinate government of the Viceroy during Spanish times, was also a financial drain on the resources of Peru. She had never paid her own way and needed an annual Peruvian subsidy. * * * * The leading Chilean families regarded with bitter jealousy the prosperity of a neighbor. The pretexts for war were that Arica had been made a free port, that advantages were given to vessels that had not touched at any place in Chile, and that General Freire (the Chilean liberal leader) had been allowed to buy two vessels in Peru. The commercial differences between the two countries did not supply the shadow of a cause for declaring war. As regards the expedition of Freire, the Government of the confederation did not know of it, and offered all the satisfaction in its power. Portales (the leading spirit in Chile) resolved to add treachery and national dishonor to injustice. He sent two vessels, the "Aguiles" and "Colocolo," to Callao, and in time of peace, and in the dead of the night, the Chilean commander treacherously seized the Peruvian fleet of three vessels, lying unarmed and unmanned. The Chilean historian, Vicuña-Mackenna, has characterized the proceeding as

'one of the most odious acts recorded in the annals of our Republics.' Having thus perfidiously deprived Peru of the means of defending her coasts, the Chilean Government proceeded to declare war."

In the Argentine and in Bolivia the same policy of interfering in internal questions was followed. Dr. E. S. Zeballos, an Argentine writer, statesman, and at one time diplomatic representative of his nation at Washington, referring to Chilean aggression against his country, says:

"In 1866, the Argentine army had invaded Paraguay * * * * the allies had been defeated by 5,000 heroic Paraguayans. * * * * At that critical moment, a force of 7,000 men, coming from Chile, crossed the Andes, invading the provinces of Mendoza, Rioja and San Juan. Coming apparently as friends, their real purpose was to endanger Argentine institutions and to help to destroy our army. And while such an aggression was taking place, the Chilean diplomatic representative made us a proposition for the partitioning of Patagonia.

"Once before, during our civil wars, the policy of Chile had already made itself apparent, and in 1872 it reasserted itself; we were then facing a possible conflict with Brazil, and while exerting every influence to avert such a calamity, a Chilean commissioner arrived at Buenos Aires, and in an official communication to our Government, declared that 'the Republic of Chile has a right to Patagonia,' as far as the mouth of the River Santa Cruz, and that it will not tolerate there the jurisdiction of the Argentine Republic."

In 1864, during the time of Spanish aggression on the Pacific coast, the Chilean Plenipotentiary at Quito, Ecuador, Nicolas Hurtado, drew up a preliminary treaty of alliance with the Government of Ecuador against Peru.

In 1872 Chile offered to help the Bolivian revolutionary leader, Quintin Quevedo, to attain power under the understanding that in exchange of the cession of Atacama he would receive material support in acquiring for his country the Peruvian littoral of Tarapaca and Arica. ?

Nearly every revolutionary movement directed against the established Governments of Lima and La Paz has had its

cradle in Chile; Chilean money, Chilean adventurers, and Chilean supplies have always been forthcoming. And while Chile has lent her aid to these movements she has not, for a single moment, neglected the opportunities which such situations have offered her for strengthening her own position and preparing herself for the accomplishment of her well matured plans of future conquest.

Already in 1868, while the state of war against Spain existed, and Peru and Chile were still supposed to be close allies, the Chilean representative at London signed a convention with the representative of Spain, by which the British Government was asked to allow the release of two Spanish iron-clads and two Chilean gunboats, retained in English waters by reason of the neutrality of the British Government in the Spanish-South American conflict. This unprecedented action of the Chilean Government, taken without the consent or even the knowledge of its allies, caused some surprise when it became known, and the Peruvian Minister at London, in calling his Government's attention to it, clearly points out its grave significance at a time when the international relations between Chile and its neighbors, Argentine and Bolivia, are more or less disturbed.

In 1871 Chile had already a pretty good navy for her actual requirements; but in the furtherance of the policy which she had framed she needed to strengthen it. Therefore, Congress had passed a bill authorizing the construction of two powerful iron-clads and two auxiliary cruisers. And while these were building, her arsenals were being replenished with up-to-date war material of every description.

In Peru a war with Chile was not dreamed of, and, although in 1873 Peru had actually entered into a defensive alliance with Bolivia, the country had made no warlike preparations.

Señor Alejandro Garland, in his recent publication, "South American Conflicts and the United States," makes this quite clear when he says: "That the opinion of neutrals respecting Chile's warlike preparations and her military elements previous to the outbreak of the war may be known,

notwithstanding Chile's assertions to the contrary, it suffices to read that part of the official despatch sent by the United States Minister at Santiago to the Department of State, giving an account of the Pacific solution, due to the good offices of the United States, of the serious boundary questions existing between Argentine and Chile. The paragraph to which he refers is the following:

"For years they have been engaged in supplying themselves, at a great expense, with the elements deemed necessary for such a contingency. Millions of dollars, which ought to have been devoted to the development of material interests, have been expended in the purchase of iron-clads and destructive artillery—all in anticipation of the war which seemed inevitable."

These preparations naturally alarmed Argentine and Bolivia, and while the first mentioned power was able to make certain preparations, Bolivia was unable to do so, and therefore she sought to strengthen her position by means of alliances which in case of need might serve her to repel any foreign aggression.

It was with this aim in view that the Bolivian National Assembly promulgated the following law:

The National Assembly decrees:

ARTICLE 1. The Executive shall enter into a treaty of defensive alliance with the Government of Peru against all foreign aggression and authorizes it, in case of necessity, to carry out the agreement stipulated and to declare war in the case of danger being imminent, in accordance with Articles 22 and 71, 18th Attribute of the Political Constitution of the State, under obligation of giving account to Congress at its next sessions.

ARTICLE 2. In the event that naval hostilities should be undertaken against any portion of the coast of the Republic, and that this should occasion its consequent occupation, the Executive is empowered to issue letters of marque, irrespective of the assistance which the squadron of the allied nation may give.

ARTICLE 3. This law is to remain secret until the Executive shall require its enforcement.

To be notified to the Executive that it may be duly complied with.

Given at the Hall of Congress, La Paz, November 8th, 1872.

(Signed.) TOMÁS FRIAS, President.

MACEDONIO D. MEDINA, Deputy Secretary.

BELISARIO VIDOEL, Deputy Secretary.

Palace of the Supreme Government, La Paz, November 11th, 1872.

When this law was passed the difficulties between Chile and Bolivia had reached a climax, the former threatening to seize *de facto* the Bolivian seacoast. The Chilean press urged the Government to do this on the ground that Bolivia had not complied with the treaty of 1866. And even to-day, notwithstanding that one of Chile's ablest statesmen and diplomatists, Señor Marcial Martínez, has repudiated the charges made against Bolivia, they still find a place in the statements and writings of latter-day defenders of Chile's international policy. Thus in Señor Rafael Egaña's book, "The Tacna and Arica Question," which has been recently widely circulated, we find the following paragraphs:

"Five years passed in this permanent infraction of the conditions of the treaty, when in 1871 the Chilean Government decided to reclaim their fulfillment.

"In 1871, the Chilean Government reclaimed the fulfilling of the treaty and became convinced that the bad faith of Bolivia did not arise from forgetfulness, but from a pre-conceived purpose.

"These deliberate infractions of the treaty, some of them defended as though they were legitimate acts, and some of them offensive to the dignity of our country, would have authorized abrogating the treaty of 1866."

No better reply to these charges can be given than in the words of Señor Marcial Martínez, who, in his book, "Chile and Bolivia," says: "It is utterly inexact that Bolivia did not comply with the treaty of 1866. The treaty has been fulfilled by both parties, substantially, and the questions which subsequently have arisen and which have engaged their atten-

tion, coming now from one part and now from the other, are derived from the compact itself, as happens generally in every treaty. Some people seem to think that Chile should adopt some *de facto* measures, such as the pressure which was brought to bear by Hernandez Pinzon. I am very far from concurring in that opinion. We would not have a semblance of reason wherein to justify before America our warlike conduct."

Notwithstanding this noble defense by one of Chile's most able statesmen, public opinion in that country appeared to be irresistible, so much so that the Bolivian representative at Lima appealed to the Government of Peru "in the name of the interests of Peru which are intimately bound with the independence and integrity of Bolivia."

On November 19th, 1872, nearly a year before the alliance, the Government of Peru declared that it would lend its aid "to reject any demands which it should consider as unjust or menacing to Bolivian independence."

In declaring this, the Peruvian policy moulded itself in its old-time traditions. This policy had always been one of decided Americanism. It was the cult for this policy which prompted Peru, immediately after the war of emancipation, to adhere in 1826 to the Congress of Panama, advocating an alliance of the American Republics; in 1848 she gave the voice of alarm against Spain and again urged the necessity of an American alliance; when the war of European aggression against Mexico and Santo Domingo, the voice of Peru was among the first to be heard in strong protest, and her money and men were freely given; in 1857, when Nicaragua and Costa Rica were in trouble, Peru came to their aid; in 1864 Peru invited her sister Republics to meet in conference at Lima, to discuss a vast plan of Latin-American consolidation, and in the following year she declared war against Spain, and becoming the ally of Chile, avenged at Callao, on May 2d, 1866, the bombardment of Valparaiso; during the Paraguayan war, Peru offered her good offices and mediation to bring about peace, and protested "in her own name and in the names of Chile, Ecuador and Bolivia, against the triple alliance and against any acts that might lessen the sover-

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eignty, independence and integrity of the Paraguayan Republic"; faithful to these high principles, she made common cause with the people of Cuba in their first struggle for freedom, and her money and her sons have both helped the Cubans in their glorious fight for liberty; while at all and every gathering of American diplomatists she has upheld the policy of peace and fraternity among the nations of the continent.

From the date of South American independence until 1871, Peru was undoubtedly stronger than her neighbors, yet she never abused of her strength to conquer them or to extend her frontiers beyond the limits which the *Uti possidetis* of 1810 gave her.

It is not, therefore, surprising to see her in 1872 form an alliance with Bolivia, at a time when Bolivian independence was seriously threatened and when the Argentine Republic had such grave boundary questions at issue with her more aggressive neighbors.

Such a treaty was the natural consequence of her policy; its scope was defensive, and if the Argentine Government had had the least bit of foresight it would have joined the alliance and by so doing averted the calamity of 1879.

The treaty of alliance is the following:

ARTICLE I. The high contracting parties unite and bind themselves mutually to guarantee their independence, their sovereignty, and the integrity of their respective territories, engaging themselves within the terms of the present treaty, to defend each other against all foreign aggression, whether of one or of several independent States, or of a force having no flag and belonging to no known power.

ARTICLE II. The alliance shall be made effective for the maintenance of the rights expressed in the preceding Article and in the following cases of offense:

First. Acts committed with intent to deprive either of the high contracting parties of a portion of its territory, for the purpose of obtaining dominion thereover or of ceding it to a third power.

Second. Acts tending to oblige either of the high con-

tracting parties to accept a protectorate, the sale or cession of any territory, or to establish any kind of superiority over it, or right or preëminence which may lessen or attack the complete exercise of its sovereignty and independence.

Third. Acts tending to annul or to change the form of Government, political constitution or laws which the high contracting parties have established or enacted in the exercise of their authority.

ARTICLE III. Both the high contracting parties recognizing that all legitimate acts of alliance are based upon justice, the right is hereby established for either party to judge whether the offense received by the other can be included among the ones mentioned in the foregoing Article.

ARTICLE IV. Once the *casus fœderis* having been declared, the high contracting parties agree to immediately break off all diplomatic relations with the offending State by handing the passport to its diplomatic representatives, cancelling the commission of its consular officials, prohibiting the importation of its natural and industrial products, and closing its ports to its ships.

ARTICLE V. The contracting parties will appoint plenipotentiaries to protocolize the arrangements which may be required for fixing the subsidies, the contingents of military and naval forces, or the aid of whatsoever kind which must be supplied to the offended or attacked Republic, and likewise to arrange the manner in which the forces should act, and how help should be furnished, and everything else that may be necessary for assuring the success of the defense.

The meeting of the plenipotentiaries shall be held at such a place as the offended party may decide.

ARTICLE VI. The high contracting parties bind themselves to provide the offended or attacked party with such means of defense as either may judge within its power to supply, even though the arrangements prescribed by the foregoing Article have not been carried into effect, provided that the case is deemed urgent.

ARTICLE VII. The *casus fœderis* having been proclaimed, the offended party will not be at liberty to celebrate any

peace conventions, truces or armistices, without the consent of the ally who has joined in the war.

ARTICLE VIII. The high contracting parties likewise agree to the following:

First. Preferentially to employ, always provided that it be possible to do so, every possible conciliatory measure to avoid a rupture, or such as may tend to put an end to the war, if it has already broken out, considering that the arbitration of a third power shall be the most effective way of attaining this end.

Second. Not to concede to or accept of any nation or Government a protectorate or superiority, limiting their independence or sovereignty, nor to grant or dispose of in favor of any nation or Government, any portion of their territory whatsoever, except where a better demarcation of their boundaries should make it necessary.

Third. Not to sign boundary treaties or other territorial arrangements without having previously advised the other contracting party.

ARTICLE IX. The stipulations of the present treaty do not extend to acts practised by political parties, or arising through interior commotions independent of the intervention of foreign Governments; because as the main object of the present treaty of alliance is the reciprocal guarantee of the sovereign rights of either nation, none of its clauses should be interpreted in opposition to its original object.

ARTICLE X. The high contracting parties, either separately or collectively, may invite the adhesion of one or of several other American States to the present defensive treaty of alliance, when by a later agreement they may consider it to be convenient to do so.

ARTICLE XI. The present treaty shall be exchanged at Lima or at La Paz so soon as it is constitutionally perfected, and will come into full force twenty days from its date of signature. Its duration shall be indefinite, but each of the contracting parties reserves itself the right of cancelling it whenever it may consider expedient to do so, in which case a notification of this resolution must be addressed to the

other party, when the treaty will become null and void four months from the date of said notification.

Señor Felipe de Osma, the Peruvian Minister of Foreign Affairs, in his recent circular note to the Peruvian Legations in foreign countries, refers to this treaty in the following language:

“Peru at the time had no conflict or controversy pending with Chile; her condition of military and naval superiority precluded any possibility of an aggression on the part of Chile. She had nothing to obtain or to claim from Chile, from which she was separated by the Bolivian seacoast, and consequently her conduct was dictated solely by the principles which have always inspired her international policy.

“For this reason, in all and every document bearing on the subject that was addressed to Bolivia in regard to the agreement, or to the Argentine Government with a view of obtaining her assent thereto, and, so as to emphasize the pacific nature of the said treaty, declarations were made limiting the objects of this *defensive alliance* to existing boundary disputes, and to such questions as might arise involving any of the allies. Besides, Article VIII of the treaty stipulated the employment by the contracting States of such conciliatory measures as would tend to avoid a rupture, or to put an end to the war, even though the rupture had actually taken place, recommending the arbitration of a third power as the most effectual way to attain this end.

“This latter stipulation, which was destined by its very nature to preclude the use of force whenever difficulties might arise, constituted the best proof which the allies could give of the loyalty and nobleness of their intentions; and, indeed, the other States of America, by becoming parties to this treaty, would have found in it the solution of all questions pending among them. So that it can reasonably be said, that the guarantee reciprocally agreed to constituted, for the contracting nations, an effective obligation of a binding character in favor of arbitration, which was destined to spread with the adhesion thereto of such States, and serve as a barrier to those which should feel inclined to trample upon the political or territorial rights which it guaranteed.

“But, if any doubt might still exist with regard to the straightforwardness and significance of that treaty, it is dispelled by the note in which the representative of Peru, Señor Don Manuel Irigoyen, proposed to the Argentine Government, that it should join the alliance. In this note the generous and eminently American intentions of the treaty predominate.

“Besides, the other Spanish-American States had acted since 1822, and until then, in a similar if not identical manner when a peril, common to all or peculiar to any one nation, menaced their territorial integrity, without any one thinking that the leagues or defensive alliances which were successively contracted, carried the purpose of provoking hostilities which it was their precise aim to avoid. In 1873, more so than at any other time, such an alliance became necessary, because the then Government of Chile, appeared to wish to solve by a territorial occupation of Argentine and Bolivia all the boundary questions pending with these States. Therefore the treaty of alliance was the sole means of forestalling any such aggression.”

In his communication to the Argentine Government, on September 24th, 1873, the Peruvian Minister said:

“This treaty, which, by virtue of its approval by the respective Congresses and the exchange of ratifications at La Paz, on the 2d of July last, has become a perfect pact, is, as Your Excellency will perceive at a glance, free from all hostile or aggressive intent against any nation in particular, and from all ambitious intentions against the rights of others. On the contrary, all its stipulations tend to the pure and simple protection of autonomy and territorial integrity against all foreign aggression, and likewise to prevent a rupture by the removal of all pretexts for war; for, in the first paragraph of the eighth Article, arbitration is established as the only just and rational means to be employed for the settling of boundary questions. From this point of view, which, undoubtedly, is of the highest interest, the treaty means the establishing of a grand principle in American public law and may therefore be considered as the surest guarantee of peace and union, not only between Peru and Bolivia, but

also between the rest of the American States which may give their adhesion thereto; and this is all the more important at the present moment because, as Your Excellency is aware, many of the said States have the fixing of their boundaries still pending, for, although happily the questions that have up to the present arisen have not led to serious consequences, still they are not free from difficulties which may, perhaps, later on lead to complications and serious dangers, which it is well, at any price, to forestall."

Later on it will be seen how the existence of this treaty was known to Chile, although its Government, on the eve of the war, pretended to affect surprise and turned it into a pretext for waging war against Peru.

THE TEN-CENT CONTROVERSY

On the 15th of November, 1878, Mr. Osborn, United States Minister to Chile, writing to the Department of State, Washington, said: "The Chile navy is moving in the direction of the Straits of Magellan, and it is understood here (Santiago) that the Argentine Government is sending its war vessels in the same direction. Negotiations are, however, being carried on here looking to a peaceful settlement of the dispute, and I have reason for believing that actual hostilities will be avoided."

On the 19th of November, 1878, the United States Minister at Buenos Aires wrote to Secretary Evarts as follows: "The President and his ministers, with a few of the leading men of the country, are in secret conference almost daily in reference to the Chilean troubles. The press has been requested to publish nothing in relation to the movements of the Argentine fleet.

"Two of the iron-clads have already sailed under secret orders for Santa Cruz River, and three other war vessels will follow as soon as they can be put in readiness. Reports are here, and are believed, that Chile has sent some two or three gunboats to Patagonia with engineers on board to fortify the Straits of Magellan."

Señor E. S. Zeballos, the Argentine diplomatist, who has been frequently quoted in these pages, referring to this critical episode of the boundary controversy, says: "At that moment the war fever had reached its height in Chile, the mob paraded the streets of the principal cities in hostile demonstrations to our country. A Chilean war vessel had seized in Argentine waters a foreign ship. This last act decided President Avellaneda and his ministers to take action, and although our obsolete river war vessels were in a state of painful neglect, and were utterly unfit for service, still the Government felt that it was necessary to stand by its dignity and to send a naval force to the Santa Cruz River to defend our territorial sovereignty. Chile sent a fleet to meet ours, and in the meanwhile the friends of peace in either country worked bravely in its interest and war was averted. The Chilean fleet received orders to turn back, but in so doing it turned against unarmed Bolivia and leveled its guns against Bolivia and Peru, because Chile at the time felt the necessity of fighting some one.

"The war against Bolivia was brought about on the pretext that the Government of this nation had decreed a tax of ten cents on the nitrate exported by an English company working under a Chilean charter; and when the Chilean conquest of the Bolivia littoral was consummated the Chilean Government raised the tax to one dollar."

These several quotations, referring to the state of mind of the Chilean nation at that particular time, will serve to prove that Chile was not only prepared for war, but that she had made up her mind to wage it against one or another of her neighbors.

Everything would prove that her real objectives were Bolivia and Peru, or, in other words, the two nitrate-producing countries.

Because, although the Chilean public became enthusiastic over the possibility of a war with Argentine in November of 1878, it is a proven fact that her statesmen would take no risks and that they exerted every influence to avert it, especially when they saw the decided stand which the Argentine Government was determined to make. But this sort of bluff

was of very great importance to Chile, and while she worked it off, it gave her ample time wherein to increase her naval strength to such an extent as to no longer fear Peru.

Señor Alejandro Garland, speaking of the financial situation of Chile previous to the war, says:

"Great sums having been spent in the accumulation of warlike elements, the financial position of Chile was very critical.

"The Government revenues had diminished; the rich silver mines at Caracoles began to deteriorate and wheat and copper fetched but low prices. In order to maintain the Government machine in its customary form and to put off the effects of a crisis, it was necessary to contract new loans in London, not for the purpose of carrying out useful public works, but in order to be able to continue the regular service of loans previously contracted, and to meet the expenses of the administration of the country.

"The impossibility of again having recourse to this expedient, in view of the attitude of the London financial market, the public credit being exhausted at home, the inconvertible paper money appeared—an unmistakable sign of ruin and bankruptcy.

"It was under the pressure of this situation that Chile, regardless of justice and of the rights of her South American sisters, took possession, by the force of arms, of the rich province of Tarapaca which promised her ample means for the rehabilitation of her empty treasury. This is what decided Chile to go to war—great was the want felt at home, and great was the booty in prospect—so great, indeed, that greed overcame every scruple.

"The public men of Chile no longer vacillated in entering upon a war of conquest in 1879, thus breaking with American traditions and replacing the rule of justice by that of violence. And, truly, the riches acquired, and the pecuniary advantages afforded to Chile, by the conquest of Atacama and Tarapaca, greatly exceeded the most sanguine hopes of the Chileans."

The United States Minister to Chile, who, in November, called the attention of the Secretary of State to the contro-

versy between Chile and Argentine, wrote as follows to Secretary Evarts, on the 20th of February, 1879: "Chile is involved in another dispute concerning her boundaries. It is with Bolivia now, and concerns the territory on the Pacific coast, lying between the 24th and 25th degrees of latitude. The country referred to as the disputed territory is in the heart of what is known as the desert of Atacama, and was regarded, until about the time of the execution of the first treaty (1866), except for the deposit of guano at Mejillones, its northern boundary, as of little or no value. The discovery of vast nitrate deposits about that time, however, in that part of the territory set apart for Bolivia by the treaty, soon brought it into prominent notice, and companies were organized for the purpose of developing that industry.

London "The business seems to have been monopolized by a corporation known as 'La Compañía de Salitres y Ferro-Carril de Antofagasta,' a company composed mainly of gentlemen of means, citizens of Chile. It is claimed in behalf of the company that it had full authority from the Bolivian Government for the prosecution of its business, and that it relied upon the good faith of Bolivia in making its investments.

"In February of last year the Bolivian Congress enacted a law exacting a tax of ten cents a quintal on all exportations of nitrate, and from this has arisen the present difficulty with Chile. The Chilean Government promptly protested against the execution of this law, claiming that it was in direct conflict with the guarantees of the treaty of 1874. The law was allowed to remain dormant for several months, but no action was taken looking to its revocation. A short time since, however, the Bolivian authorities notified the company at Antofagasta that the law was to be executed.

"The Chilean Government protested anew, and caused Bolivia to be informed that if she insisted upon executing the law, Chile would regard the treaty (1874) as abrogated, and would proceed to assert her right of dominion to the territory claimed by her prior to 1866. Notwithstanding this threat the works at Antofagasta were levied upon, and notice was given that they would be sold; whereupon, on the 12th inst., the Chilean Minister at La Paz was instructed by tele-

graph to demand his passport, and forces were immediately forwarded by water with instructions to take possession of the territory on the coast as far north as the 23d degree of latitude. On the 14th the Chilean forces occupied Antofagasta without firing a gun, and the disputed territory is now held by Chilean troops.

"The course of the Government here meets with a hearty approval from all classes. The movement was an exceedingly popular one. It is doubtful, indeed, if the administration could have taken another course and sustained itself. There is much anxiety concerning the course which Peru is likely to take.

"The Chilean Government is endeavoring to prepare itself for any emergency. The naval force has all been sent to the North, and troops are being forwarded as rapidly as possible."

And the United States Minister at Lima, when informing the State Department of the situation, wrote on February 19th, 1879, as follows: "By a law passed in the Bolivian Congress, February 14th, and decreed the 23d, 1878, it was ordered that all nitrate exported from Antofagasta should pay ten cents per quintal as contribution. The nitrate company and the Chilean Minister at La Paz interposed to prevent, if possible, the carrying out of the law; the company, on the ground that their rights, legally acquired, were attacked; the Minister, in defense of an existing international treaty. Matters remained in this state, when, on the 8th of November last, the Chilean Government, through its Minister at La Paz, informed the Government of Bolivia that if the law of contribution was put into force Chile would declare the treaty of limits of 1874 annulled, and would throw the responsibility on Bolivia.

"The Government of Bolivia answered that there was no room for such a measure, as the tax was imposed on an association or company. * * * * On the 18th the Chilean Minister, in a note to the Bolivian Government, stated that on receiving the note ordering the tax to be collected, he, in the name of his Government, declared the treaty of 1874 abrogated.

"On the 26th of December the Bolivian Government answered the Chilean Minister, saying that the course taken by the Chilean Government was to be regretted; that it was justified in its procedure, and reminding the Minister that, according to Article 2 of the treaty, there was always a chance in such cases for arbitration.

"It appears that Bolivia held off, and would have left the question to be regulated by Congress on its meeting, or by arbitration; but the action of Chile, in its note of the 8th of November, aroused the feelings of the Bolivians, and caused the order for the carrying out of the decree."

* * * * *

"I have heard on various occasions that there existed a secret treaty for an alliance, offensive and defensive, between the Argentine Republic, Bolivia and Peru, against Chile."

From the foregoing it will be seen that Chile was determined to pick up a quarrel with Bolivia for the definite possession of the nitrate beds and guano deposits, and to this effect she turned the action of the Bolivian Government into a legitimate reason for violently abrogating the existing treaty.

And who was to stop Chile? Bolivia, shut up in her highlands, with no military or naval strength, was hopelessly at her mercy, while Peru, her ally, was utterly unprepared for war, and in a perfectly impecunious state.

Neither Bolivia nor Peru had anything to gain by the war, whereas Chile, without risking anything, went in to win a very big stake.

Had the fortune of war been favorable to the allies they could not have reaped any benefit from their victory, even if they had been willing to extend their territory at the expense of Chile.

Peru and Bolivia had lived previous to the war in a more or less constant state of political unrest. Their finances were crippled, and by reason of the natural resources of Tarapaca and Atacama their statesmen had not felt the keenness of the

struggle for life. While in Peru the poetical and sentimental ideals of international fraternity and of justice, transmitted since the days of the common fight for freedom of the South American people reigned supreme, in Chile a more practical community had sprung up, and feeling itself hemmed in, as it were, between two great barriers, the Andes and the ocean, a strong desire to expand had made itself felt, and to reach out toward the fertile valleys on the eastern slopes of the Andes and toward the guano and nitrate-covered regions of the north.

Balmaceda, the great Chilean statesman, early saw this, and it was he who said that "in the Pacific coast of South America there are but two centers of action and of progress: Lima and Callao, and Santiago and Valparaiso; it is necessary that one of these two centers shall fall that the other may rise. On our part, we need Tarapaca as a source of wealth, and Arica as our furthestmost point on the coast. This is why the people of Chile demand Arica and Tarapaca."

These ideas of the great Chilean leader, although expressed with such brutality, did not remain as empty words; they were quickly taken up by the popular writers, such as Vicuña Mackenna, Isidoro Errazuriz, and others, and formed the keynote of Chilean national aspiration.

Besides, the financial situation of Chile was so bad that it only served to make them covet the more their neighbor's enormous national wealth.

In 1842 Chile's foreign debt was eight million dollars, and in 1878 it had grown to thirty-five millions. Her income, on the contrary, had fallen off about two millions between 1877 and 1878, and in the best year it was never higher than fifteen millions. But this fiscal penury was not the only trouble; poverty was aggravated by the disorganized state of the administration. An official commission, in its report, stated that "the fiscal funds are being administered in the most fantastical manner; the public revenue is being spent without regard to the law, the Government making light of the mandates of Congress; frauds are of frequent occurrence; loans follow upon loans; and taxation is ever on the increase, in consequence of the excessive expenses lavished upon superfluities."

Contrasting with this fiscal penury the dazzling glitter of the wealth of Tarapaca and Antofagasta was a sore to Chile, and enough to destroy the moral sense of a nation anxious to attain power, and who, in its endeavor to reach this end, had resorted to the accumulation of great military elements, and, in the meanwhile, fed its people with ideas of expansion.

The truth is, that in 1878 Peru had about 5,000 rifles, representing eleven different types, and an obsolete navy, her two best vessels having been built in 1865, whereas, Chile had some 13,000 rifles of modern type, and an up-to-date fighting fleet, comprising two of the most powerful iron-clads of the time, "*Almirante Cochrane*" and "*Blanco Encalada*."

We will now show how Chile managed to bring these elements into play and to develop her national policy. For this we must go back to the time of the Melgarejo administration in Bolivia.

The favors that the Government of Chile and its representatives received at the hands of the famous Dictator were destined to have such far-reaching consequences as no one at the time could have foreseen. Foremost among these favors, and apart from the treaty of 1866, to which reference has already been made in the foregoing pages, was a concession, to a group of Chileans, of five square leagues of land, with a privilege of fifteen years wherein to work and export the nitrate from Atacama. Melgarejo, whose vain head had been turned by the many honors which the Chilean Government had showered upon him, did not adhere to the laws, or to any sense of equity. Neither did he give any thought to the future security of his country. He granted everything that was asked of him, because he was in the halcyon days of his honeymoon with Chile.

As was quite natural, Melgarejo's despotic rule came to an end; he was overthrown and his *régime* gave way to a more conservative Government. The many concessions and illegal bargains which he had sanctioned should have died with him, but the new Bolivian administration temporized, and while it declared the concession to be unreasonable, it granted the holders thereof, who constituted the "La Compañía de Salitre

y Ferro-Carril de Antofagasta," the right to carry on the same privilege of working and exporting nitrate over a tract measuring fifteen leagues from north to south, and twenty-five leagues from east to west. The company would not hear of any such thing, and declared that it would not accept an inch less than the whole desert, and despising and defying the sovereignty of Bolivia, it set about to build a railroad in the desert.

Señor Marcial Martinez emphasizes the conduct of his countrymen when he says that "they would not have acted differently had they been in a land owned by savages."

The Bolivian Government tried to enforce its rights, and notified the company that they should not build the railroad line without its permission. The company ignored the Government and went ahead with the work.

The Chilean statesman so often quoted, referring to this, says: "In England, in France, in Belgium, in Chile, or in any other country, the invaders of the territory would have hastened to leave it; but in Bolivia things happen otherwise; here the idea is to race the Government, and even to waylay it, so that it may meet accidents on the road; they imagine that Bolivia cannot have national aims and aspirations because she is unworthy of having them."

And while the company was acting in this manner it appealed to the Chilean Government for protection, and thus created constant difficulties to the Government of Bolivia. The latter Government, fearing the great influence that the company wielded, compromised, and enlarged the concessions in exchange for a 10% share of the profits of the business. The compromise was settled, and in this manner Bolivia gave her wealth away that she might at least avoid fresh difficulties and enjoy peace.

The settlement was submitted to Congress for approval, and this body sanctioned it, substituting the 10% share of the profits with a tax of ten cents per quintal of nitrate exported.

Whether this substitution was good or bad, it was an affair of the Government with the company. Nevertheless, the Chilean Government protested against it, in a note dated July 2d, 1878, on the grounds that by the treaty of 1874 it

was forbidden to impose any higher taxes than those already existing upon the persons, industries and capital of Chile.

The La Paz Government defended its policy, but to no purpose, the Chilean Government declaring that, if its demands were not complied with, it would break the boundary treaty.

The Government of Chile ignored the arbitration clause of that very same treaty, and threatened from the outset to abrogate the treaty on its own authority. In view of the stand taken by Chile the Bolivian Government offered to repeal the law levying a tax of ten cents, if Chile would but withdraw its threatening and insulting note. Chile refused.

At this stage the company declared that the substitution of the 10% share of profits by a ten-cent tax was not acceptable, and naturally the Bolivian Government declared that the compromise remained without effect.

Such was the true and correct state of affairs. At the best it was a case to be settled according to common law, an everyday ordinary controversy. But the Chilean Government did not look at it in this light; it was decided to keep the controversy open, and in order to close every possibility for a peaceful settlement, it sent a 48-hour *ultimatum*, at the expiration of which it occupied the Bolivian territory by a military force.

Mr. Gibbs, the United States Minister at Lima, writing to Secretary Evarts in reference to this, on the 12th of March, 1879, says: "Up to the present, I have no information of a formal declaration of war having been made, either by Chile or Bolivia. Chile has, by force of arms and through her vessels of war, taken possession of the coast of Bolivia from its limits, latitude 24° south, down to Tocopilla, north of the 22°, within thirty miles of the River Loa, which is the boundary line between Peru and Bolivia, and holds the whole coast, establishing marine, military and civil government. From articles here published, taken from the Chilean press, it is said to be only a reoccupation of territory that belonged to Chile, ceded by treaty for certain rights granted, which, not being carried out, Chile has merely repossessed themselves of their own, or, in Spanish, 'revindicación,' which may be translated 're-

instation.' The only official action taken by Bolivia is a proclamation by President Daza, which is not a declaration of war."

THE MEDIATION OF PERU

(THE LAVALLE MISSION)

It was the very clear duty of Peru, with an alliance or without one, to moderate the pressure which a power such as Chile was bringing to bear upon a defenseless country like Bolivia. And to procure, at all events, that there should be no war. Peru accomplished this duty with great loyalty, and possibly with excessive good will.

The question at issue referred to a dispute between Chile and Bolivia as to the right of the latter to change or alter a clause in an agreement that was being drawn up with a private company; or, if preferred, according to the Chilean version, it referred to the levying of a tax of ten cents. This affair had nothing to do with the integrity, with the honor, nor even with the vital interests of either nation. As United States Minister Gibbs said: "It is to be greatly regretted that these South American States should be so easily led into war, and for such trifling causes."

The interests at stake being of such small amount, Peru believed that its friendly mediation would be sufficient to end the conflict.

Already as far back as January, 1879, when the first reports of the conflict became known, the Chargé d'Affaires of Peru at Santiago, Señor Pedro Paz-Soldan y Unanue, informed the President of Chile that his Government was ready to offer its good offices as soon as the fear of a rupture of relations should arise. At the time the President appeared to favor a friendly settlement, and offered to have the Peruvian representative *au courant* of the events, so that at the proper moment his Government's good offices might be tendered. Nevertheless, on the 14th of February the invasion of the Bolivian territory was carried out without Peru having even suspected it.

From that time onward it was clearly apparent that Chile resented any interference by Peru, and that she was determined to pass over Peru.

The Peruvian representative saw it thus, and he urged his Government in the following manner: "As a Peruvian, and as a Minister, I advise you to be on your guard. * * * *"

But the Government, however, did not abandon the hope of bringing about a settlement, and insisted on its conciliatory policy. Bolivia had expressed her willingness to abide by any just solution and that she accepted the mediation of Peru.

On the strength of these declarations, Peru sent a special mission to Santiago. Sir Clements R. Markham, the English historian, referring to this mission, says: "Don José Antonio Lavalle was sent to Chile, and the pretense of negotiations was kept up with him by Santa Maria for a short time. Grievances against Peru were then alleged, and complaints were made that the nitrate monopoly would injure Chilean interests, and that the Chilean Government was kept in ignorance of the treaty of 1873 between Peru and Bolivia. As these were the only pretexts for war that were alleged, it will be well to consider them in this place. To the first the Chilean historian, Vicuña Mackenna, himself gives the answer: 'It is necessary to confess that in adopting any course relating to a Peruvian product, the Peruvian President was within his right according to the law of nations, because he was free to legislate on domestic affairs as seemed best for the interests of his country.' The provisions of the treaty of 1873 had been public since 1874 certainly, for the Chilean Minister at La Paz, Carlos Walker Martínez, acted on his own knowledge of them and referred to them in a book published in 1876. Moreover, the Argentine Republic was officially invited to become a party to the treaty, and the question was publicly discussed in 1877. These pretexts were, therefore, illusory. No others were even hinted at. Lavalle was allowed to offer suggestions for settling the dispute between Chile and Bolivia by arbitration, and he made proposals which would have been doubtless acceptable, if a settlement had been desired. But Chile

had no such desire. On the contrary she intended to fix a quarrel on Peru also. Santa Maria suddenly made three demands to be treated as an ultimatum. Peru was at once to cease all defensive preparations to abrogate the treaty of 1873, and to declare her neutrality. No nation with a spark of self-respect could possibly accept such terms. They were made, because it was impossible, and because the Chileans were now ready to enter upon their career of depredation. Señor Lavalle was dismissed and the Chilean Government declared war upon Peru on the 5th of April, 1879."

With the landing of Lavalle at Valparaiso, on March 4th, 1879, the true state of Chilean sentiment toward Peru became apparent. He was met at the landing stage by a hostile mob that openly insulted him and his country.

A fly-sheet which was profusely distributed a few days before the arrival of the Peruvian Envoy was couched in the following language:

TO THE PEOPLE!

Fellow-citizens:

On Tuesday next, according to trustworthy information, an emissary from Peru is to arrive; he comes, according to some, to interpose his officious mediation in our quarrel with Bolivia; and, according to others, with the intention of demanding a strict account from our Government for the "*revindicacion*" of our northern territory.

Chile on putting her foot upon the desert has said, as MacMahon did at Malakoff: *J'y suis et J'y reste*. There is no reason for the mission of the Peruvian Envoy.

This is what our country should be made to know, with undeniable force and by means of public and solemn unmistakable acts.

Diplomacy has its uses, its hypocrisies, its circumlocutions, and its reticence; but the people know nothing about it, nor do they have any use for it; the people only listen to and understand the manly and honest language of truth.

And the people of Chile wish to have it understood by

the Peruvian Plenipotentiary that, no matter if he comes as an officious mediator or as an examining judge, his mission is vain and hateful; and in like manner they wish that the Government of Chile shall know that the gates of the Moneda (the Executive Mansion) are to be closed against him who should wish to enter them clothed in the very thin disguise of a fallacious diplomacy.

It is for this purpose that the inhabitants of Valparaiso are hereby asked to meet on Tuesday next, the 4th instant, at eight o'clock in the evening, at the Plaza de la Intendencia, that they may give form and expression to these views, and so as to adopt, in the presence of the Peruvian Envoy, the dignified attitude which becomes the sons of Caupolican and Lautaro.

Therefore, get thee to the Plaza de la Intendencia, noble people of Valparaiso, March 4th, 1879.

When the explosions of the first moment had subsided, and the people no longer found any pleasure in attacking the houses of the Peruvian Commissioners, Minister Lavalle started in earnest his important work. But from the very first conference it was easy to see that the Chilean mind was not well fixed on the reasons for the quarrel. From President Pinto's words, it was apparent that the true issue was no longer based on the question of a ten-cent tax, nor on the canceling of the contract with the Nitrate Company, but that it rested upon the dominion of the invaded territory.

Such a sudden change in the aspect of the conflict required that the Peruvian Minister should communicate at once with his Government and obtain fresh instructions. But in the meantime, and realizing that his mission was one of peace, he submitted the following agreement:

First. That Chile shall disoccupy the Bolivia littoral, leaving that territory isolated, while an arbiter determines who is to be its rightful owner.

Second. That it be placed in charge of an autonomous municipal administration, to be constituted by persons elected in such manner as shall be determined by a special convention, under the protectorate and guarantee of Chile, Bolivia,

and Peru, who shall arrange as to the manner in which the protectorate should be made effective.

Third. That the fiscal revenues of the said territory shall be applied to the needs of its administration, and that whatever surplus remained after defraying such expenses should be divided between Chile and Bolivia.

This basis for a settlement of the dispute was so equitable and honest that it seemed impossible that it should not be acceptable to Chile. Nevertheless, the Santiago Government demurred, until suddenly it brought forth a fresh pretext wherewith to frustrate all hopes of a speedy settlement.

It was then that it made use of the secret treaty of alliance, and in an intensely alarmed and indignant spirit it made known to the Peruvian Envoy that the existence of such a treaty, aimed against the sovereignty of Chile, was a barrier to further negotiations until Peru should explain her conduct and answer whether or not the treaty existed.

Lavalle applied for instructions, and then replied that as a fact the treaty existed, but that it was purely defensive, and did not bind Peru until, according to her judgment, the *casus fæderis* was proclaimed.

And while the negotiations at Santiago were pending, the Chilean representative at Lima, Señor Godoy, strained every effort to cross the path of Lavalle and bring about a rupture. It was to this purpose that on the 17th of March he addressed a communication to the Peruvian Foreign Office, urging that a definite and precise declaration of neutrality should be made, and at the same time hinted at the existence of a secret *offensive* and *defensive* alliance between Peru and Bolivia. stated

The Peruvian Government, in replying to Señor Godoy, stated that its special mission at Santiago had been duly instructed on the points referred to by him; this mission having been specifically created in order to arrange with Chile "all incidents that have happened, or may take place in the future on the coast of Bolivia, which the Cabinet at Santiago has not as yet made known."

And in its written instructions to its Special Envoy Señor Lavalle, the head of the Foreign Office, said: "After the

instructions which I have given you in my notes of the 8th and 19th instants (March), it is no longer necessary that I should go into any lengths in reference to the question of the existence of the secret treaty with Bolivia. Suffice it to add that, before replying to Señor Godoy's communication, H. E. General Prado saw him personally and expressed to him verbally and with the most complete frankness what was the character and range of that treaty, the stipulations of which neither contain anything of an offensive nature nor are they directed against Chile, and that they do not exclude, but rather determine, a prior diplomatic action for reaching a settlement by the methods which international law advises.

"On the other hand, the imperious necessity for Peru of maintaining with Bolivia relations that cannot be easily altered, because therein is interested the very active trade between both countries, and their reciprocal tranquillity, was the primary motive, if not the only one, for such a treaty, the effects of which have corresponded to the end in view. Thanks to this tight bond of union, it has been possible, indeed, to prevent or to smooth difficulties, which otherwise, would have been perhaps unavoidable.

"I have only to speak of the last and most important part of Señor Godoy's communication, that in which by special command of his Government he calls upon the Government of Peru to make a formal declaration of its neutrality in the existing conflict with Bolivia.

"At the time of Señor Godoy's communication, and even at this date, we are in ignorance of the terms of the exposition which, according to the advices of the press, the Cabinet of Santiago intended addressing to the Governments of the foreign nations, in reference to the occupation of the Bolivian littoral; and until we have this knowledge it will be impossible to judge what is the true and definite range of that action. When this document reaches us it will be, therefore, time to express the opinion which it will give rise to, and to state the attitude which in consequence thereof we may have to assume.

"From this viewpoint, we must regard as premature the neutrality which is asked.

"Besides, the line of conduct that we may have to pursue in this grave matter, depends upon two conditions which should not be overlooked:

First. The existence of the secret treaty with Bolivia, the stipulations of which, in reference to the *casus fœderis*, shall have to be examined by Peru, if every hope for a settlement is to be abandoned.

Second. The ruling of Congress, this body has been called to meet in extraordinary sessions, in order to mark out the line of conduct which ultimately the Government shall have to follow.

"In reading Señor Godoy's communication you will not fail to notice the passionate tone of some of its paragraphs, which I deliberately abstain from qualifying, trusting that the Government of Chile will be the better judge to do so.

"You will please read this communication to Señor Fierro, and leave him a copy thereof should he so desire it."

Godoy's attempt to cross the Peruvian mediation had immediate results.

Following upon it, the Chilean Government assumed an attitude of reserve and suspiciousness toward Lavalle, and a few days later the basis for an agreement which he had presented was turned down.

But Lavalle now saw clearly that Chile was trying to involve Peru in the conflict, and he set to work to frustrate such a plan and to bring about a peaceful settlement of the controversy. He, therefore, presented the following form of agreement:

First. That a truce and suspension of hostilities between Chile and Bolivia shall be proclaimed, for a period to be fixed by them.

Second. Withdrawal of the Chilean forces to the limits of the territory comprised between parallels 23d and 24th of south latitude, and restitution to Bolivia of Cobija, Tocopilla, and Calama.

Third. Bolivia to cancel the decrees referring to the expulsion of Chilean citizens, confiscation of their property, etc., etc.

Fourth. Chile, Peru, and Bolivia to suspend their armaments.

Fifth. A meeting of Plenipotentiaries at a conference in Lima so as to arrange and definitely settle all questions.

But Chile was not in a peaceful mood; her line of conduct had been decided upon already, she was only waiting for an opportunity to present itself, and seeking a reasonable pretext to force war upon her rival. Therefore, she rejected the Peruvian proposals and demanded a peremptory declaration of neutrality.

And while the Government was working out its plan, the impatient populace, fearing that they might be cheated out of their expectations of a war which they had been nursed to consider as necessary to their salvation, gave vent to their feelings, assaulting and outraging Peruvian residents and the official residences and emblems of the Peruvian representatives and nation.

On the 1st of April the press announced that the Government of Chile had consulted the Council of State on the advisability of declaring war on Peru. This news further excited the populace against the Peruvian officials.

Three days later the Government of Chile broke off its relations with Peru, and on the 5th of April, the formal declaration of war was announced.

Up to that moment Peru had not revealed her intention of siding with Bolivia, she had only manifested the wish to avoid a Chile-Bolivian war. All her efforts had been directed to that end, and it is simply absurd to accuse Peru of trying to gain time, and to have employed the period of negotiations, one month, to arm herself for a war of aggression.

As a matter of fact, Peru did, during that month, hustle about, but as Mr. Gibbs very wisely put it, in his dispatch to the State Department: "This Government continues its preparations," I suppose following the old adage, "If you wish peace prepare for war." And the same authority, referring to the seeming possibility of war between both nations, says in his dispatch of March 26th: "I should not be surprised if Chile takes the first step and not await for a

declaration of war from Peru, but strike the first blow. If they do, it will be unfortunate for this Republic, as it appears to me they are not ready to enter into a conflict."

Chile, on the other hand, did not heed the insinuations of Peru in favor of a peaceful settlement, and dragged Peru into a war for which she was totally unprepared, and in which Chile had nothing whatever to lose and everything to gain.

THE WAR

As has been shown in the preceding chapter, Peru was dragged into this war, wholly unprepared. Chile had skillfully manœvered her diplomacy in such a fashion as to bring about this result, which was the only solution to her financial situation.

United States Minister Osborn, writing to the State Department, says: "The grievance of Chile is the alleged secret treaty between Peru and Bolivia, and the apparent preparation making by Peru for war."

Had Peru dreamed of the possibility of a war with Chile or prepared for it as Chile asserts was the case, she would not have found herself at the outbreak of the conflict with Bolivia lacking in everything necessary for carrying on a war.

It is a well proven fact that the Peruvian navy was obsolete in type and unfit for active service, it being in a pitifully neglected condition. Sir Clements R. Markham referring to it, says: "It had been increased by two iron-clads since the Spanish aggression (1866), but no vessels had been ordered after the retirement of General Pezet, under whose administration the turret ship '*Huascar*' was built at Birkenhead. This vessel was 200 feet long, of 1,130 tons and 300 horse-power; the armor around her revolving turret was only 5½ inches thick and there was a projecting belt of 4½ inches. She was armed with two 20-inch Armstrong, and two 40-pound Whitworth guns. The '*Independencia*,' likewise ordered under the same administration, was a broadside iron-clad of the old type, 215 feet long, of 2,004 tons and 550 horse-power,

with only $4\frac{1}{2}$ -inch armor. She was armed with twelve 70-pounders on the main deck, and two 150-pounders with some smaller guns, on the upper deck. The '*Union*,' which dated since 1864, was a wooden corvette armed with twelve 70-pounders, and capable of going 13 knots; the '*Pilcomayo*,' built in 1874, a smaller vessel was armed with two 70-pounders, four 40-pounders, and four 12-pounders. There were also two antiquated old monitors built in the United States and purchased in 1869; they had 10 inches of iron on their turrets, and were armed with two 15-inch smooth-bore Rodman guns, but they were merely floating batteries, unfit for work at sea."

Against this very questionable fighting strength, Chile had the two modern and powerful iron-clads "*Almirante Cochrane*" and "*Blanco Encalada*," each carrying six 9-inch Armstrong 12-ton guns, some light guns and Nordenfelt machine guns, their armor being 9 inches thick at the water line, and from 6 to 8 around the battery. Besides she had two sister corvettes, "*Chacabuco*" and "*O'Higgins*," armed with three 150-pound 7-ton Armstrong guns, and machine and light guns—"Magallanes," "*Abtao*," "*Esmeralda*," "*Covadonga*," wooden vessels, and a splendid fleet of merchant steamers armed as fast cruisers. And during the course of the war she added materially to her naval strength with the acquisition of torpedo boats, and fast steamers.

On land, at the outbreak of the war, Peru had some 2,000 well-drilled troops, but poorly armed. Later on she had some 30,000 troops in the field, but they were armed with at least six different types of guns, and this caused great confusion and was no small factor in bringing about their defeat at Tacna, Chorrillos, and Miraflores. Chile, on the other hand, had from the commencement of the war some 15,000 men under arms, and this she increased to over 40,000 in the campaign against Lima. Bolivia, shut in in the Andes highlands, with no accessible roads, no money, no navy, and with very few arms, all of which were more or less obsolete, could not be of any material help to Peru, and at no time did she put more than 5,000 troops in the field.

Peru, therefore, stood practically alone against a nation eager for expansion and prepared for a war of conquest and devastation. *

It is due to these facts that the war was a long series of disasters for the Peruvian arms, brightened up here and there by the heroic deeds of her soldiers and sailors.

Thus it was at Tarapaca, on the 27th of November, 1879, where a small Peruvian remnant of the army which had been routed on the 19th at Dolores, in the desert, without artillery and cavalry inflicted a crushing defeat on its pursuers, taking from them their field pieces, flags, and trains of ammunition; and thus that the exploits of Admiral Grau with the "*Huascar*" filled during several months all the naval circles of the world with admiration. To the heroism of Bolognesi and his small band of comrades, Peru is indebted for the glorious defense of Arica, June 5th, 1880. Other episodes of this cruel war show how great, if unfortunate, was the bravery of the Peruvians, and of the Bolivians. But there was nothing but fruitless glory for the allies, and this did not deter the victor from carrying on the war in all its hateful savagery.

All the several foreign historians who have written up this war are unanimous in their condemnation of the Chilean methods employed both in battle and when raiding the country that came into their hands.

The United States Minister at Lima, referring to the atrocities committed by the Chilean soldiery after the taking of Tacna and Arica, says: "The Chilean soldiery killed most of the wounded found on the field; that after the battle all the allied officers found dead upon the field were stripped, robbed, and left naked." * * * *

Mr. Nugent, United States Consular Agent at Arica says: "I must say that the behavior of the Chileans, both in Tacna and Arica, is most disgraceful. In Tacna the greater part of the houses have been robbed and many of them destroyed. Murders are committed every day. In Arica they murdered the helpless and wounded. The greater part of the town has been burned and sacked."

The French Consular Agent in his report says: "That

after Arica had been taken and all resistance had ceased, the Chilean soldiery, apparently under the command of their officers, came to the house where our Consular Agent had kept his office, and took indiscriminately 59 men, who were there—took them on to the public plaza and there deliberately shot them all.”

And, the Minister adds: “This, if true, is not war, but deliberate wholesale murder, unprovoked by anything yet done by the allied forces, and in the cause of civilization and humanity calls for an indignant protest from all civilized nations.”

In 1880, while active preparations for a campaign against Lima were going on, the Government of Chile decided to utilize its naval forces in a work of the most wanton destruction of property along the Peruvian coast. In a certain measure this inglorious feat of the Chilean army and navy thwarted the action of the United States mediation.

United States Minister Osborn, writing from Santiago to the State Department, thus refers to it: “The destruction of Chimbote and other places in northern Peru, may be accepted as an indication of the character of the change in the policy of the Government. It is claimed in justification of this expedition that the resources of the Peruvian Government are being derived from the rich sugar plantations north of Callao, and that the destruction of these estates has therefore become a necessity. It is further urged that the men of wealth in Peru must be made to experience some of the horrors of war, to the end that the Government may be forced to sue for peace.”

But the history of this expedition has been written by a Chilean, and will best be given in his own words:

“The Chileans sent an expedition to carry a torch of havoc, of desolation, and of provocation to implacable war and eternal rancor along the coast of Peru. This crusade of violence and destruction is that which is known as the expedition of Lynch. Its object was to desolate the rich valleys and factories of the north of Peru. It is impossible to conceive an undertaking more unreasonable, even leaving its barbarity out of consideration. Although destined against

*Chilean
history?*

Peru in appearance, it was in reality injurious to ourselves. We were reviewing the days of pirates in our midst, when the whole world by common consent has agreed to put an end to them. Events have established the truth of this, and the ample justification for the protest which the author of this history, in his position as a Senator, made against these enterprises. One great evil arising from them is the employment of our soldiers on work which will not advance their morality nor our civilization. Another is that such deeds will inevitably alienate the sympathies of foreign countries when they become known. * * * * These valleys in the north of Peru produced over 80,000 tons of sugar in 1879. The expedition of Lynch destroyed this industry between September 4th and November 10th, 1880. After the work of destruction was completed at Paita, the same odious scenes of destruction were repeated at many other points in the coast valleys and in the ports."

This is the opinion of a Chilean historian and statesman. It is at least gratifying to know that even at that date there were some men in Chile who could blush at their country's crimes, and raise their voice in protest.

To-day, twenty-one years later, when the din of battle is no longer heard, and Chile is a powerful nation resting on her ill-gotten wealth but as resentful of Peruvian progress as she ever was, her press, her orators and politicians urge her, the same as a former generation did, against defenseless Peru.

The history of the Lynch expedition is the mirror wherein is reflected the history of the Chilean people, and the expansionist policy of its Government.

The horrors of the war and its wild scenes of Chilean savagery are better told by Chilean and foreign writers. Their accounts, at least, will not be considered as biased. It is from such impartial sources that we now gather and collect the following true statements:

"El Mercurio" of Valparaiso, in its issue of June 4th, 1879, said: "At 12.45 P. M. it was all over. The '*Independencia*' was lying on her starboard, her crew were falling into the

sea, her boats were being swallowed up and the firing with the small arms from the 'Covadonga' was kept up and played havoc." * * * * Tomas Caivano, the noted Italian historian, referring to the battles of Chorrillos and Miraflores, 13th and 15th January, 1881, says: "From 5 o'clock in the evening all Chorrillos was turned into a horrible scene of robbery, orgy, blood, and ruins; a veritable hell-furnace. The General-in-Chief, who had established his headquarters at the magnificent palace of the Pezet family, was forced to abandon it at 10 at night, when it was burned to the ground. All the houses were sacked and afterward burned. And all this took place in the presence of the Commander-in-Chief, and of all the commanding officers of the Chilean army. If other proofs were needed, this alone would suffice to show that the destruction of Chorrillos and its suburbs, and the pillaging and burning of these summer resorts were not merely the effects of a drunken and undisciplined soldiery."

Sir Clements R. Markham, referring to the same subject, says: "The Chileans gave no quarter. They bayoneted not only all the wounded but the defenseless civilians in Chorrillos, including the respected old English physician, Dr. Maclean, whom they foully murdered. The town was burned amidst hideous scenes of slaughter and rapine. Miraflores was committed to the flames, all the country houses around it were sacked and burned.

"During their occupation of Lima, the Chileans seized the University for a barrack, destroying and throwing away the archives. The public library contained 50,000 printed volumes and 8,000 priceless manuscripts. It was appropriated as another barrack, the books being sold as waste paper, or thrown into the street. The pictures and everything of value in the Exhibition building, the laboratory and appurtenances of the School of Medicine, all the models and appliances for teaching in the Schools of Arts, Sciences and Trade, and the public monuments were destroyed or carried off. The benches in the lecture rooms were cut up to make packing cases for the plunder."

Mr. Christiancy, United States Minister in Peru, refer-

ring to all these horrors, says, in his dispatch to Mr. Evarts: "It is quite true that the towns of Chorrillos, Barranco and Miraflores were wantonly and unnecessarily burned, after all resistance had ceased. I also think that it is entirely true that the Chileans murdered upon the field of battle at least such wounded soldiers as they found; and the general report from Chilean officers, as given to me from officers who have conversed with them, is that as a rule they killed on the field all the Peruvian wounded. I know that when at Arica in September, the Chilean Governor of the place informed me that in taking Arica they took no wounded Peruvian soldiers there, and from all I could learn from all sources, the same was substantially the fact at the battle of Tacna."

With the occupation of Lima the war was practically ended, great numbers of the most distinguished Peruvians had fallen in the bloody battles round Lima and in the two campaigns of Tarapaca and Tacna. The whole country was overrun by a horde of Chilean looters, robbing, sacking and devastating everything. The President and Government of Peru were wanderers among the mountain recesses. Chile was the sole arbiter of the situation. And it established the most oppressive military rule.

After there was nothing left to sack and to carry away, General Saavedra, the military authority in command, issued a proclamation levying a war-contribution of one million silver pesos monthly from the departments of Lima and Callao. On the 7th of March he issued the further decree for the collection of \$1,000,000 for the month of February, divided among fifty persons named. The penalty for non-payment was the destruction of property of the delinquent to three times the amount. It looked as if Chile had decided to wipe out Peru from existence. And so it would appear from the following articles of the Chilean press, "*La Actualidad*," the Chilean Government organ, published at Lima said: "The Chilean authorities have determined to follow and will still continue to dispose of national property of Peru, with the indisputable right conceded by all the na-

tions of the world to the conqueror. This is what they have done with the cartridge factory, the apparatus of the School of Arts, with books and scientific apparatus, and paintings; they can do it to-morrow, and can continue to do so, with all the public buildings, beginning with the palace of Government, and ending with the last sentry-box, and again, the day after, they can again do so with all the public works, beginning with the railroads and ending with all the bridges over water-courses and crossing public roads.

"This is the right of the conqueror, and that of the vanquished is to keep silent."

And "La Patria" of Valparaiso advised the Government to destroy everything "so as not to allow Peru at any future time to recover from the effects of the crushing defeat."

THE CONQUEST

At the very outset of the war, Mr. Osborn, the United States Minister at Santiago, wrote to his Government saying: "Tarapaca extends to the northern frontier of Bolivia and is supposed to contain almost inexhaustible wealth in its nitre and guano deposits. If Chile succeeds in getting possession of Tarapaca, she will, I judge, insist upon holding it. An intelligent gentleman with whom I have conversed upon the subject, and who formerly lived in Tarapaca, estimates the value of its nitre deposits alone at four hundred millions of dollars."

Mr. Osborn judged rightly. No sooner did Tarapaca fall into the possession of Chile than every one in Chile made evident what was the desire of the nation. It was clear that the conquest of the rich nitre fields had been Chile's great aim, and from the moment that her victorious arms occupied the territory there was but one mind in the country.

Chile had gone to war knowing that she had everything to gain and nothing to lose. She had been successful, and she was decided to make the most of her success.

Whatever may have been her scruples at the outset about proclaiming a war of conquest, these were now for-

gotten, and her press did not lose an opportunity to remind the Government what the nation demanded of it. "*La Patria*," of Valparaiso, expressed its view thus: "A nation that wages war has a right of conquest, because this is but the logical consequence of war."

In the Senate the same sentiment was freely voiced; and when Senator Lorenzo Claro tried to oppose it he was denounced by the press as a traitor: "Antofagasta and Tarapaca in the hands of our enemies means our impoverishment, a repetition of the war, the resurrection of the Peruvian fleet, the continuation of our commercial crisis, it would make us a laughing-stock of all our enemies; such a course would disappoint the nation, and above all it would mean our impotence."

The following extract from the debates in the Chamber of Deputies on the 5th and 8th of January, 1880, will convey an idea of the haste in which Chile appeared to be to affirm her conquest.

"Señor D. A. Arteaga rises to propose to the Chamber the following, which he considers to be a well-founded proposition which meets with the approval of the whole nation.

"Our territory has been extended to the 17th degree south latitude through the bravery and energy of our soldiers.

"Our poor ragged (rotos) have gone and taken possession of that territory to which they have given life by their labor and their efforts, while our capitalists have promoted industry therein."

In view of these and other considerations, he proposes the following:

Tentative resolution: "The Chamber of Deputies would receive with pleasure a bill from H. E. the President of the Republic to the effect that the territories *conquered* and occupied by the armies of Chile during the present war be definitely incorporated with the territory of the Republic, and subjected to the civil, political, and administrative legislation of Chile."

Deputy Don Carlos Walker Martinez is of opinion that the resolution presented by Señor Arteaga is very acceptable, most courageous, and an honor to the nation.

Deputy J. M. Balmaceda declares that he agrees with Señor Arteaga in all that refers to *Chile's rights of conquest*; but he thinks that the present is not the proper moment for treating the subject, and that for this reason he will vote against it.

Deputy McIver declares that he will vote against the proposition, because it is not yet known what is the Government's intention in the premises, and that for this reason he considers the proposition untimely. Besides, the proposition is based solely upon the *right of conquest*, whereas, later on the incorporation of the *conquered* territories with this Republic would be made in virtue of the right of indemnity, which is more sacred than the right of conquest.

Deputy V. Reyes is of opinion that things will shape themselves, and that Señor Arteaga's proposition only anticipates events which sooner or later must happen. Deputy Arteaga says that he fears that if this opportunity is allowed to pass by, later on, when the time for making peace arrives, friendly nations, actuated by the desire of tendering their good offices, may have a certain influence which might be harmful to the true and legitimate interests of our country.

"We should not lose this opportunity, now that we hold all the rights of the victor, and it is our duty to act as I have suggested."

Deputy Reyes asks that the debate be renewed at a subsequent session.

In the session of the 8th, Señor Santa Maria, the Prime Minister, who clearly saw the inconvenience and untimeliness of Deputy Arteaga's proposition, used his great personal influence to have the debate dropped. He told the Chamber that Chile was in no hurry and that everything would come at the proper moment.

And so it came to pass, that although no further mention of conquest was made in official quarters, the seeds had been successfully planted in a rich soil, and were destined very soon to bear fruit. Eight months later this was seen at the Arica Peace Conference on board the United States man-of-war "*Lackawanna*."

MEDIATION

FRIENDLY OVERTURES BY DIFFERENT GOVERNMENTS

From the very outset of the war in the Pacific, the Governments of Ecuador and of Colombia made overtures to the belligerents for a cessation of hostilities and a return to peace.

General Urbina, an ex-President of Ecuador, was at Santiago, Chile, as early as July, 1879, on a special mission from his Government in the interest of peace.

On his way to Chile, he had an interview with Presidents Prado of Peru, and Daza of Bolivia, which resulted in his being informed that Peru and Bolivia would consent to a cessation of hostilities and an arbitration of the matters in dispute upon the condition that the *status quo ante bellum* should be restored, and should continue pending the arbitration. The Government of Chile refused this condition, making the *status quo* as at present the basis of her acceptance to entertain any talk of peace.

The National Congress at Bogota adopted a resolution requesting the President to send a special envoy to the Republics of Peru, Bolivia, and Chile, for the purpose of offering the mediation of the Colombian Government. This important mission was entrusted to Señor Pablo Arosemena, a former Secretary of Foreign Affairs, and one of Colombia's most talented diplomats.

In due time he arrived at his destination, but his mission was a failure, he having been privately made to understand while at Santiago, that the good offices of his Government were not desired; he therefore returned to Lima without formally tendering the good offices of his Government.

In June of 1879 simultaneous but independent overtures were made to the Government of the United States by the Cabinets of London and Berlin, looking to a future formal proposal from Great Britain and Germany, to act with them in a mediation between the belligerents.

In August, 1879, the Hon. Mr. Newton Pettis, United States Minister at La Paz, Bolivia, undertook a personal mission to Lima and Santiago with a view of ascertaining the grounds upon which the Governments of Peru and Chile would be willing to enter into negotiations for a cessation of hostilities.

Although Minister Pettis' mission was a self-imposed act, he not having acted on instructions from the Government of the United States, and though it did not lead to practical results, still it is worthy of mention in these pages in so far as it shows the disposition of the belligerents toward peace.

In June, 1879, Mr. Pettis had an interview at La Paz with Señor Pedro J. de Guerra, Minister of Foreign Relations and acting President of Bolivia, in the absence of President Daza. Señor Guerra said that he had sought the interview for the purpose of learning, if possible, the views of the Government of the United States in connection with the war. Mr. Pettis declared that while he was without any instruction from the Government at Washington upon the subject, he felt confident that so desirous was the President of the United States of a peaceful solution to the conflict that he and his Cabinet would expect every one connected with the legation to exert themselves in the interest of peace, and that, therefore, it would be his highest ambition and greatest pleasure to exert in the absence of special instructions his efforts toward this end, and would give, in consequence, an attentive ear to all that His Excellency might have to say.

The Bolivian acting President declared that the country and the Government desired peace, but could not see how it was to be obtained amicably at present, with the armies and navies of the belligerents opposing each other. Mr. Pettis expressed the opinion that it might be obtained by some amicable arrangement such as arbitration, adding that while, as H. E. suggested, arbitration is usually resorted to prior to the actual commencement of hostilities, precedents were to be found in the conciliatory path of negotiation in the past, by which this objection or difficulty might be over-

come, and the terms of equality restored between the powers interested, so as to make arbitration proper, acceptable, honorable, and profitable.

This interview was renewed later in the day when H. E. the acting President of Bolivia handed to Mr. Pettis the following memorandum:

"All under the special condition not to take any decision or compromise without the knowledge and approval of the Peruvian Government.

"The authorities of Chile, civil and military, to withdraw from and disoccupy all territory that they have taken possession of upon and since the fourteenth day of February, 1879, leaving all things in the condition and state they were in previous to the fourteenth day of said month.

"Then, if arbitration is agreed upon, the arbitrators to hear, determine, and decide all matters in dispute between Bolivia and Chile and Peru, and establish the divisionary line between Bolivia and Chile, Bolivia claiming the boundary line affixed by the Chilean Constitution, taking in consideration the damages caused by the act of 14th February and the subsequent aggressions claimed by Bolivia, as well as the expenses of the war.

"That reference may be made to the President of the United States of America as sole arbitrator, or to the Judges of the Supreme Court of the United States, or to the Ministers of the United States in Peru, Bolivia, and Chile; a decision by a majority of the arbitrators sitting to be valid and binding upon the parties, to be approved in its execution and perpetuity by the President of the United States."

Armed with this memorandum, Mr. Pettis set out upon his mission; he first conferred at Lima with his colleague, Mr. Christiancy, who introduced him to Señor Manuel Irigoyen, the Peruvian Minister of Foreign Affairs, who declared that if Chile proposed arbitration upon the terms suggested in the Bolivian memorandum, Peru would accept.

Mr. Pettis was satisfied that Peru, like Bolivia, desired peace, and that both countries preferred arbitration by the United States high above any and every other power.

His next step was to see Presidents Prado and Daza

at Arica, and having ascertained from them that they fully concurred in the views of their Ministers, he proceeded on to Valparaiso, where he was met by the United States Minister, Mr. Osborn, who introduced him to Señor Huneus, the Chilean Minister of Foreign Affairs.

In the interview which followed, Señor Huneus requested Mr. Pettis to give his views on paper, that he might submit them to President Pinto. Mr. Pettis informed him that although he had *no authority* to make any proposition, he had great pleasure in discovering to him, and his Government through him, the views of Peru and Bolivia, and which would lead to an early peace if met by Chile in a humane spirit. At the Chilean Minister's request, the following unsigned memorandum of these views was drafted and handed to him:

"Whereas it has been suggested through a friendly medium that even now the pathway to an early, honorable, and profitable peace leads in the direction of arbitration at the hands of some known and acknowledged power, alike friendly to Peru, Bolivia, and Chile; and desiring, in the spirit of conciliation and compromise, and in the interests of peace and humanity, to transfer and elevate the contest of principle from the theater of force to that of reason and conscience;

"It is agreed that all differences and all matters in dispute between Peru and Bolivia upon one side, and Chile upon the other side, of whatever character, class, kind, description, or extent, be submitted to * * * * who shall be requested to meet upon the * * * * of September, 1879, for the purpose of receiving and considering the statements of the proper representatives of each of the three Republics in support of their respective views and claims, and, after such presentation, hearing, and consideration, to determine and decide upon all matters concerning which Peru, Bolivia, and Chile are now at variance. And the same being reduced to writing and signed by a majority of the arbitrators, to be final, binding, and conclusive upon the said Republics and the Governments thereof."

Upon reading this paper Señor Huneus *requested* Mr. Pettis to *add* the following:

“And in the event that the arbitrators should be of opinion that Bolivia is justly and equitably entitled to any territory south of the twenty-third parallel, south latitude, it is understood that the arbitrators, or a majority of them, shall ascertain and fix the amount that Chile shall pay to Bolivia, and the manner of payment for said territory, provided the respective legally constituted representatives before the arbitrators cannot agree upon such amount as compensation therefor, and the divisory line between Chile and Bolivia shall thereupon by such arbitration be established upon the said parallel *twenty-third south latitude*; therefore it is stipulated:

“That from this — day of August, 1879, hostilities of every character shall cease, and neither party augment its force on land or sea; that Chile at once disoccupy all territory north of the 23d degree of south latitude, withdrawing all her forces, both by land and sea, south of said 23d degree, leaving clear to Bolivia as well the coast south of said degree ten minutes below said 23d parallel but in all other respects the *status quo* to remain as at present. This instrument to have no force or validity until signed by the proper authorities of the three Republics.”

The next day Señor Huneeus called upon Mr. Pettis and informed him that, so far as Bolivia was concerned, there was no difficulty in submitting all matters to arbitration, but that as to Peru the Cabinet was not prepared to say, and desired a little time to feel their way in Congress.

On his return journey to Bolivia, Minister Pettis saw Presidents Prado and Daza at Arica, and to them he reported the result of his labors. The Presidents, while thanking him, and fully appreciating the high motives which had guided him, were disappointed at the failure of the movement in favor of arbitration, President Prado stating that Peru was in the war out of consideration for Bolivia, and that if Bolivia said peace, let it come; if war, so be it; and if she desired arbitration, Peru accepted this form of settlement.

The foregoing narrative, which has been taken from official documents, clearly proves that Bolivia and Peru

were perfectly willing from the commencement of hostilities to end the war, and to submit the whole controversy to the arbitration of the United States, but that Chile, while pretending to accept, made her conditions so unacceptable as to preclude any possibility of an amicable solution being reached.

It also shows the spirit which guided Chile against Peru. Her Government appeared willing to settle with Bolivia, but not with Peru.

During the course of the war this spirit of envy and ill-will made itself manifest on several occasions which it is well worth recalling, because it proves to what an extent Chile had premeditated attacking Peru and depriving her of her nitrate provinces.

Early in the war Chile made overtures to Bolivia, through her agent, Don Justiniano Sotomayor, to induce Bolivia to desert Peru and enter into an alliance with Chile, attack Peru and divide between themselves the Departments of Tarapaca, Tacna, and Moquegua.

Later on Señor Domingo Santa-Maria, the Chilean Minister for Foreign Affairs, instructed a special agent of Chile to submit to the Bolivian Government an agreement embodying the following:

“Republic of Chile, Department of Foreign Affairs:

“*First.* The friendly relations that have ever existed between Chile and Bolivia, and which have only been interrupted since February of the present year, shall be resumed. Consequently the war between the two Republics shall cease, and the armies of each shall be considered in future as allied in war against Peru.

“*Second.* In attestation that all motives of discord shall disappear between Chile and Bolivia, the last-mentioned Republic shall recognize as the exclusive property of Chile all the territory that has been mutually disputed, and which is comprised within the parallels 23 and 24 south latitude.

“*Third.* As the Republic of Bolivia has need of a portion of Peruvian territory in order to readjust its own, and give it an easy means of communication with the Pacific, which

it has not at present, without being subject to the trammels which the Peruvian Government has ever laid upon it, Chile will not embarrass the acquisition of such territory neither will it oppose its definite occupation by Bolivia, but, on the contrary, will give it the most efficient aid.

“Fourth. The help given to Bolivia by Chile during the actual war with Peru will consist of arms, money, and other articles necessary for the better organization and service of its army.

“Fifth. Peru being conquered, and the time for peace stipulations having arrived, peace cannot be made by Chile unless Peru celebrates it also with Bolivia; in which case Chile will respect the concessions of territory that Peru may make to Bolivia or that she may impose on Peru; neither may Bolivia effect a peace without the concurrence and interposal of Chile.

“Sixth. Peace being proclaimed, Chile will leave Bolivia all the armament that may be considered necessary for the use of its army and for maintaining in security the territory that may have been ceded by Peru, or have been obtained from it by occupation, without any claim being made for the sums of money that may have been disbursed during the war, which at no time will exceed \$600,000.

“Seventh. It remains, in consequence, established that the indemnity of war that Peru may have to pay Chile must of necessity be guaranteed, considering the financial condition of Peru and its informality in the fulfillment of its promises, by the saltpetre works of the department of Tarapaca and the guano and other substances that may be found there.

“A special convention will arrange this matter.

“Similar conventions will be instituted regarding other points which it may be necessary to demand, investigate, and arrange.

“(Signed)

“J. E. DE GUERRA, Chief of Section.”

Later on, at the Arica conferences, a fresh attempt was made by the Chilean representatives to induce Bolivia to abandon Peru, thus giving proof of the spirit in which they

attended that supreme effort of the United States and of the allies, to secure a lasting peace.

THE MEDIATION OF THE UNITED STATES

THE ARICA CONFERENCES

Mr. Rutherford Burchard Hayes, President of the United States, wishing to prevent further destruction of property and bloodshed, and fearing that the continuance of the struggle might endanger the interests of the republican system in this continent, offered the mediation of the United States to the belligerents, as is to be seen by the official notes of Mr. W. M. Evarts, Secretary of State at the time. This having been accepted, as a matter of course, the conferences were held in the Bay of Arica on board the mediating nation's war-ship "*Lackawanna*" under the auspices of the representatives of the United States in Chile, Peru and Bolivia, Messrs. Thomas A. Osborn, J. P. Christiancy and General Charles Adams, respectively, the first named diplomatist acting as chairman.

Peru, Bolivia and Chile appointed their respective Plenipotentiaries.

The following is a copy of the report of Messrs. Osborn, Christiancy and Adams to Secretary Evarts:

"On board the U. S. S. '*Lackawanna*,'

Bay of Arica, October 27th, 1880.

"SIR: The undersigned Ministers of the United States, accredited to the Governments of Chile, Peru, and Bolivia, respectfully report that, in pursuance of arrangements concluded by us with the Governments to which we are accredited, on the 22d of October instant, the following named Plenipotentiaries met in conference in our presence on board the United States ship '*Lackawanna*,' then anchored in the Bay of Arica, for the purpose of discussing the existing com-

plications between the three belligerents and concluding, if possible, a peace:

“Don Mariano Baptista and Don Juan Crisóstomo Carrillo, Plenipotentiaries of Bolivia; Don Eulojio Altamirano, Don Juan Francisco Vergara, and Don Eusebio Lillo, Plenipotentiaries of Chile; and Don Antonio Arenas and Don Aurelio Garcia y Garcia, Plenipotentiaries of Peru.

* * * * *

“The powers of the various Ministers were duly exchanged, and after a brief session the conference adjourned.

“It again convened on the 25th of October, when the discussion of the subject which brought them together was entered upon and continued at length. An adjournment was finally had with the understanding that there should be another reunion on the 27th. On this latter day the conference again assembled and, after again exchanging views, the conclusion was unanimously reached that, in view of the instructions which they had received from their respective Governments, it would be useless for them longer to continue their efforts for the purpose of bringing about a peace.

“Having exhausted on our part all efforts to produce a desirable result, we were reluctantly compelled to the conclusion that a dissolution of the conference was unavoidable. Thereupon the conference was declared closed.”

The conferences began on the 22d of October, 1880, and Mr. Osborn declared, in his opening speech, that the independence of the United States was the origin of republican institutions in America and that the United States considered themselves in a manner responsible for the existence of the said institutions; that the independence of the South American Republic was acknowledged, first of all, by the United States, and the stability of the institutions founded upon the said independence, being put to a most severe test by the war, he hoped all the belligerent Republics, impelled by the same wish that animated the United States, would endeavor, by every means in their power, to put an end to the war, by an honorable and lasting peace;—Mr. Osborn finished his speech, expressing confidence

that the efforts of his Government would be crowned with success.

From the outset the Chilean Plenipotentiaries assumed a haughty attitude, and shut out any possibility of an agreement based on justice and equity. Ignoring the rights of Bolivia and Peru, Señor Altamirano submitted the following memorandum of "the essential conditions which Chile demands in order to arrive at a peace":

"*First.* Cession to Chile of such territory of Peru and Bolivia as extends to the south of the valley of Camarones, and to the west of the line of the Andean Cordillera which separates Peru and Bolivia as far as the valley of the Chacarilla, and to the west also of a line which, being prolonged from this point, would strike the Argentine frontier, passing through the center of Lake Ascotan.

"*Second.* Payment to Chile by Peru and Bolivia jointly of the sum of twenty millions of dollars, four millions whereof are to be paid in cash.

"*Third.* Return of the properties of which Chilean citizens in Peru and Bolivia have been despoiled.

"*Fourth.* Return of the transport '*Rimac.*'

"*Fifth.* Abrogation of the secret treaty made between Peru and Bolivia in the year 1873, leaving at the same time the steps taken to bring about a confederation between the two nations void and of no effect whatever.

"*Sixth.* Retention on the part of Chile of the territory of Moquegua, Tacna, and Arica, occupied by Chilean forces, until the obligations to which the preceding conditions refer have been complied with."

The Peruvian and Bolivian Plenipotentiaries requested that the necessary time be allowed them to look over and study the memorandum just presented by Señor Altamirano, of the contents of which they were still ignorant.

Before adjourning it was agreed that Señor Arenas should indicate through Mr. Osborn, a day for a second meeting.

At this meeting, held on the 25th of October, the Chilean memorandum formed the ground for debate.

The following excerpt from the protocol of this conference throws important light on the attitude assumed by the Plenipotentiaries of either side:

Señor Arenas stated that the representatives of Peru had carefully studied the Chilean memorandum, that he waived the consideration of the words forming the title of that document, because, although some of them appeared unacceptable, he believed they had been employed without preconceived design; nor would he allude to the causes which had brought on the war, nor the reasons which have been adduced to justify it, since a discussion of these points would be barren under present circumstances, and would only tend to remove the discussion from that calmness with which it is desirable to treat the grave question which has given rise to the conference.

Mr. Arenas said in regard to the conditions proposed by his Excellency the Plenipotentiary of Chile that they had produced upon him a painful impression, since they close the door upon any reasonable or tranquil discussion; that the first one, especially, is so insurmountable an obstacle in the way of pacific negotiation that it is equivalent to an intimation to proceed no farther; that Chile has obtained advantages in the present war, holding in military occupation in consequence thereof certain districts of Peruvian and Bolivian territory over which she had never claimed any jurisdiction, but having occupied them after various combats, she to-day believes herself transformed into the owner thereof, and that her military occupation is a title of dominion; that like doctrines certainly were sustained in other times and distant regions, but in Spanish America have not been invoked from the time of the independence down to the present time, having been considered incompatible with the tutelary bases of republican institutions; they lapsed beneath the powerful influence of the existing political system, and because they were highly dangerous for all South American republics.

Leaving these general considerations, which refer to the interests and tranquillity of the nations of this section of America, his Excellency proceeded to examine the first of the

conditions of peace presented by Chile, in its relation to Peru. The Republic of Peru, he said, by reason of its predominant ideas, the principles it professes, and the feelings animating all classes of society, is incapable of consenting to the seizure of any portion of her territory, and still less of that which to-day constitutes the principal source of her wealth. He was not unaware that nations, in the absence of a supreme judge who might settle their controversies, generally decide them upon the battlefield, the conqueror who has obtained the decisive victory (which is not the case in the present war) exacting that the party conquered, and without the means of continuing the struggle, shall yield to the demands which were the cause of hostilities; that in Peru these ideas are rooted in the public mind, being those professed and respected in republican America, and that he therefore believes, taking into consideration the present situation of the belligerents, a peace which was founded upon a cession of territory and a revival of the obsolete right of conquest would be an impossible peace; that even were the Plenipotentiaries of Peru to accept and their Government to ratify it—a supposition impossible to entertain—national sentiment would reject it and the continuation of the war would be inevitable; that if the first condition be insisted upon, presenting it as indispensable in order to arrive at a settlement, all hope of peace must be relinquished, the efforts now being made become fruitless, with the prospect of new and disastrous hostilities before the belligerents; that, finally, the representatives of Peru deplore this result, not merely as patriots, but as Americans and as sincere friends of humanity. The fault cannot be imputed to them or to their Government, since, if these negotiations fail, it will be through the influence of certain passions which have become inflamed so as to present as necessary the carrying on of a war of extermination, the consequences of which, if they be not measured to-day, will be suffered to-morrow.

His Excellency Mr. Altamirano said that his Government believes that to give these conditions to a peace, it is indispensable to advance her line of frontier. She would thus endeavor partly to compensate the great sacrifices made by the country, and insure the peace of the future. This demand

is for the Government of Chile, for the country, and for the Plenipotentiaries who speak in her name, at this moment, indeclinable, because it is just.

The regions extending to the south of Camarones owe their present development and their progress entirely to Chilean labor and Chilean capital. The desert had been fertilized by the sweat of her laboring men before it was watered by the blood of her heroes.

To withdraw the authority and the flag of Chile from Camarones would be a cowardly abandonment of thousands of her citizens, and a return, with aggravation, to the old and untenable situation.

His Excellency Señor Altamirano continued, saying that he could not conceive how his Excellency Señor Arenas could affirm that this pretension of Chile was in conflict with accepted principles and with established practice. The history of all modern wars contradicts his Excellency and the examples of ratification of frontiers in America are numerous and belong to contemporaneous history. In the so-called conquest by Chile there is but one new phase, the fact that the territory in question, as he had stated a moment since, owes its present *status* to Chilean labor and enterprise.

I again repeat, Chile cannot withdraw her flag from that territory. The Plenipotentiaries of Chile cannot sign any treaty so providing, or, should they sign it, their Government and country would refuse their sanction.

His Excellency Dr. Arenas stated that he would not refute, point by point, the arguments of his Excellency Señor Altamirano, since such refutation would be barren of results. Judging from the remarks he had just heard, Chile would not recede from her demands. There might be, nevertheless, in the opinion of his Excellency, some means which, without compromising the future, might conduce to an honorable and permanent peace. He believed that the people of this continent have political and social affinities; that the animosities born of the momentary struggle are not to be eternal, and hence deduces the necessity for resolving this question with elevated judgment and abnegation of sentiment.

His Excellency Señor Baptista said: "The categorical

declarations of his Excellency Señor Altamirano appear to close the door to discussion. I appreciate, on the other hand, the frankness and courtesy with which he has proceeded. I will endeavor to keep pace with him in dignity of expression and clearness of reasoning. Let my words, therefore, if of no higher worth, be taken as the expression of our opinions. Their object is twofold; the one will be the collective statement of our views, the other an individual utterance of my own.

"We, the Plenipotentiaries of Bolivia, find ourselves in perfect accord with the explicit declarations of his Excellency Señor Arenas upon the fundamental point of the acquisition of territory, be it called advance, cession, compensation or conquest, and we so think, inspired by the origin and development of the political life of our America.

"As conquerors and conquered, we should equally suffer from an abnormal condition of affairs, which would leave for the one the sullen labor of revenge, and for the other the sterile and costly task of preventing it. The reasons given by Mr. Altamirano, to justify the necessity of his first condition, would be more than satisfied by the study of another proposition, which I beg to present as a simple personal indication of my own. I declare frankly that the natural results of success should be recognized and accepted. In the course of this campaign the advantages are on the side of Chile. Let us shape our action according to the requirements of the events of the war, as they have occurred. It may, therefore, be assumed that the payment of an indemnity to Chile would be just. Let her retain the territory occupied as security, and let proper measures be taken to satisfy the demands which could justly be made against us out of the revenue derived from the same territory. This course could protect and guarantee the interests of all, and might be supplemented by other measures, which should insure satisfactorily the property and enterprises of Chile.

"To sum up, we do not accept the appropriation of the territory as a simple result of belligerent acts, whatever the name to the seizure. But I yet hope that a ground of discussion may present itself, whereon conciliatory measures may find room."

His Excellency Señor Altamirano observed that the solutions to this question are not infinite. There are, perhaps, but two: that indicated by Chile, and that which his Excellency Señor Baptista has been pleased to suggest. If the Plenipotentiary of Chile declared for his part in the first conference that the condition proposed was indeclinable, and now repeats it, it was because his Government considers the second combination deficient and unacceptable.

It is sad, he observed in conclusion, to have to resist appeals such as those which have just been made to us by their Excellencies Messrs. Arenas and Baptista, but if the extension of the frontier be an insuperable obstacle to peace, Chile cannot, ought not, to remove that obstacle.

His Excellency Señor Garcia y Garcia stated that he had given profound attention to the remarks of his Excellency Mr. Osborn, when in the inaugural session, he said that the Government of the United States was to a certain extent responsible before the world in regard to the Republics of the new continent, derived from the political principles and system of government which the former had implanted by their example, and which, under no circumstances, should be allowed to fall into discredit. These fraternal declarations are doubtless founded upon that great principle, uttered as a notification in the face of the world by one of the most illustrious Presidents of the Union, and practically maintained by all of his worthy successors. "America for the Americans," exclaimed President Monroe upon a solemn occasion, and in framing that immortal sentence he established the foundations of the new American public law, which, destroying all hope of usurpation, banished forever from the new continent those lords of divine right so well schooled to conquest as the surest means of expanding their territory. Hence it follows, since right and justice are one, and equally applicable abroad and at home, that the right of territorial sovereignty in America can only be voided by the spontaneous consent of nations, ratified by the approbation of the respective peoples. If, unfortunately, these prudent maxims be disregarded or violated, there would be at once sown broadcast the seeds of interminable dissensions, like those which with frequency

occur on the old continent, and which would compel each State, as his Excellency Señor Baptista has well said, to maintain those immense armies and navies, the insatiable guardians of what they are pleased to call "armed peace or European equilibrium," which are nothing more than the precautions taken by each to avoid being dismembered or absorbed by the other, his neighbor.

Nor is it possible for his Excellency Señor Garcia y Garcia, as he desires to place upon record, to pass over in silence one of the reasons given by his Excellency Señor Altamirano as a singular title for the dominion which Chile seeks to establish over the territory of Tarapaca. He remembers that his Excellency the Plenipotentiary of Chile maintained that the entire population of that province being Chilean, and the capital and labor employed in its establishments being likewise Chilean, therefore to them belongs possession of the territory.

While his Excellency Señor Garcia waives the consideration of the extension of "entire," as employed by his Excellency Señor Altamirano, since, as the expression is totally at variance with the facts, he cannot believe that he would pretend to sustain it, nor that such was his intention, he cannot restrain the natural expression of his surprise at hearing reasoning so remarkable from one whose profound learning and elevated political stature render him a figure in American history he has ever contemplated with admiration. But his astonishment is greater upon reflecting that such views have been uttered in the presence of their Excellencies, the three mediating ministers, whose great nation owes its immense development precisely to the foreign capital and labor which daily flow to its shores.

"With what hilarity," he exclaimed, "would be received in the political circles of Washington the doctrine that should assert the right of Prince Bismarck to annex some of the newer Western States to the German Empire, the bulk of their population being German; or that her Majesty Queen Victoria could, under like title, take possession of New York, a large portion of the inhabitants whereof are Irishmen!"

He proposed that all the points of these differences to which his Excellency Señor Baptista has alluded, and which shall be detailed in posterior discussions, be submitted to the arbitration without appeal of the Government of the United States of America, called to that high position by their elevated morality, their position on the continent, and the spirit of concord manifested impartially in favor of all the belligerent nations here represented.

His Excellency Señor Arenas added, seconding the views of his Excellency Señor Garcia y Garcia, that the arbitration proposed is the most practical and decorous solution that could be reached, abandoning thus the crooked paths trodden by these countries since the war began. He begged, once and again, their Excellencies the representatives of Chile to ponder and mediate upon the direful consequences of a contrary determination.

His Excellency Mr. Vergara said that he would confine himself to the proposal of arbitration which had been presented for debate, in order to declare peremptorily in the name of his Government and in that of his colleagues that he does not accept it, in any form whatever.

Chile seeks an enduring peace, which shall consult both her present and future interests, which shall be proportioned to the elements and power she possesses to obtain it, to the labor already performed, and to well-founded national aspirations. This peace she will negotiate directly with her adversaries when they accept the conditions she deems necessary for her security, and there is no reason whatever why she should deliver up to other hands, honorable and secure as they may be, the decision of her destinies. For these reasons she declares that she rejects the proposed arbitration.

His Excellency Señor Lillo said that he had not expected to have addressed this solemn conference, but the proposal of arbitration presented by his Excellency Señor Garcia y Garcia compelled him to forego his intention. He believed it his duty to fully indorse the rejection of that proposal already manifested by his honorable colleague, Señor Vergara.

He understood and accepted arbitration when it was de-

sired to avoid a war. This is the most worthy, the nobler course, harmonizing best with the principles of civilization and fraternity which should guide enlightened nations, and more especially those who by their antecedents and intimate relations form a single family; but arbitration has its opportune moment, and this, for the negotiations of peace which occupy us to-day, has unfortunately passed.

Chile neither desires nor will she ever consent to establish the right of conquest. What she asks is a just compensation for her sacrifices in this fatal struggle, and protection to communities essentially Chilean, who would not accept the fact of their abandonment, since they live and flourish to-day under the shadow of her flag.

Cession of territory, after great advantages obtained in war, is a fact which has frequently occurred in republican America in modern times. Nations which have so acted have had no reason to repent, since, while seeking just compensation for their efforts, they carried wealth and progress to the regions surrendered to them.

Arbitration, and arbitration at the hands of the great nation, model of republican institutions, will be always accepted by Chile with the applause of the people; but the opportune moment has gone by, and to accept it, under present circumstances, would be, for Chile, an act of vacillation and of weakness.

He understood that the plan proposed by his Excellency Señor Baptista might be taken into consideration. According to it, Chile would fix her war indemnity and her conditions, retaining possession of the Peruvian territory now occupied by her arms, as a guarantee, until she should receive the satisfaction of her demands. He repeats that he understands this solution, but it is not that which the instructions of their Government impose upon them, and although personally he thinks these indications worthy of consideration, he is compelled to remain within the limits of the instructions received.

His Excellency Mr. Carrillo said:

“The grave and positive declarations which have been made in regard to the principal proposition presented are

calculated to almost extinguish the hope of a peaceful arrangement. Nevertheless, the idea is so grand, so great the interest of the questions submitted to the deliberations of this honorable assembly of Plenipotentiaries, that I deem it indispensable to endeavor, if possible, yet to find a formula of acceptable solution, which if not immediately considered as being irreconcilable with existing instructions, might be submitted by their Excellencies the Plenipotentiaries, to their respective Governments.

“Arbitration has just been proposed, and in this highly conciliatory measure may perhaps be found a peaceful solution.

“We cannot ignore that the deliberations of the present conference attract, at this moment, the attention of the civilized world. Here is to be decided, not only the fate and future of the three Republics, but the great interests of America. The precedents for the new public law of South America are about to be established, a legislation which, from the special character of its conditions, cannot but diverge from European doctrines. There the traditions of predominance, the diversity and tendency of races to unification, maintain a permanent struggle between the past and progress. Europe, in spite of her noble aspirations, still finds herself confined within a circle of iron from which she cannot escape. In the meanwhile America, formed of peoples ushered into political life by their own exertions, and established under identical institutions, knows no other tradition than that of having struggled against conquest and against the mastery of force, from which she has separated forever. With her, wars of preponderance have no reason to exist, and even the practices of war must become less disastrous and cruel.

“Thus international disagreements, however grave, between nations closely bound by their origin and common destiny, should in preference be settled by conciliatory methods, such as the proposed arbitration. Arbitration, your Excellencies, as an honorable expedient, is the supreme aspiration of nations, and there is no question, however grave and difficult, that cannot, by this means, reach a most satisfactory result.

“The only objection that has been urged against arbitration consists in that, in the opinion of his Excellency Señor Lillo, the Republic of Chile cannot permit that a third party estimate the price of the blood of her sons, or the value of her sacrifices. I fail to find sufficient solidity in this reasoning. The very expression, ‘estimate the price of blood,’ is not in my opinion the most proper. The arbitrator, in his high impartiality, would appreciate the demands of the Government of Chile, with due reference to her sacrifices, to the blood shed and to the advantages obtained, up to the present, in the field. If these demands are just, if the blood that has been shed confers upon a belligerent the right to obtain concessions, if the securing of peace requires sacrifices from the other States, even to the modification of their international frontiers, and if all this is in conformity with the rights of war, the friendly power, constituted by common confidence into a tribunal of arbitration, will so decide; its award will consult that which is most equitable, most proper for the establishment of a lasting peace. If this procedure is worthy of all concerned, there is no reason to doubt that the arbitrator would consult the interest of Chile, in the state in which the war is at this moment. This decision would come out from the sacred regions of impartiality, it would be the calm expression emanating from justice, and would bring with it reconciliation and true peace, entirely honorable for Chile and acceptable without humiliation by the other Republics.

“If the arbitral award should prove adverse to the interests of Bolivia and of Peru, and should declare the necessity of territorial concessions, the allied Republics, even in this case, would bow to this decision in homage to this supreme tribunal of nations.

“For the first time and at the expiration of more than a year of war, too protracted for young Republics who are sacrificing their population and their resources, has the voice of reason instead of force, for the decision of the question of the Pacific, been raised by an American nation. The only expedient remaining is arbitration; through it American interests and republican institutions may yet be saved.

“From the midst of Europe, where international boundaries are frequently changed in contradiction to the progress of right; where a race or a power rules over another to-day, to be in turn perturbed to-morrow; from there the brightest minds, the profoundest thinkers, contemplate America as the true country of the justice, the equality and the fraternity of nations. From that continent is sent forth the brilliant light of progress and justice to find unobstructed realization in America.

“Will the Republic of Chile, which has attained, earlier than the rest, remarkable progress, and which is consequently called upon to march in the van of this movement, introduce into the policy of America the practices imposed upon Europe for reasons adverse to progress?

“I recall another argument against arbitration, ‘that it could only be accepted before war.’ Arbitration, your Excellencies, which reconciles all differences, is acceptable, in my judgment, at the outset of a war, to prevent it; during its course, to stop its ravages, and up to the close of the contest, in honor of the victor, who should have the wise foresight to leave the declaration of conditions to the arbitration of a respected neutral power. Victory would thus insure her advantages, and achieve peace without the hatred of the vanquished.

“Moreover, international arbitration is distinct from that employed in questions of private interest. In these the judge confines himself to the decision of the original question, its conditions remaining unaltered. International disagreements are appreciated and decided with all amplitude, and according to the condition of the parties or the belligerents, and in conformity to the rights derived from the war.

“The proposition of my colleague, his Excellency Señor Baptista, has been expressed as his private opinion; for my own part, I indorse it, and am persuaded that, for the sake of great international interests, it will be approved by the Government of my country. I renew it, therefore, in this form: ‘*Statu quo* of the territory occupied by the forces of Chile, pending the decision of the tribunal of arbitration proposed upon all points in dispute; a solution frank and American.’

"Before concluding, I deem it opportune to state that when the respected mediation of the most excellent Government of the United States was offered to Bolivia, my Government, as well as public opinion, felt satisfied that peace would result; for that mediation was accompanied by another word—arbitration—which signifies justice and honor for all, humiliation to none.

"In this persuasion, and with a policy of frankness, the Bolivian Plenipotentiaries have come to this conference."

His Excellency Mr. Osborn remarked that it seemed proper to him, as well as to his colleagues, to place upon record that the Government of the United States does not seek the position of arbiter in this question. A strict compliance with the duties inherent to that position would involve much trouble and great labor, and while he could not doubt that his Government would accept the position if duly requested to do so, it was nevertheless proper that it be understood that its representatives did not court that distinction.

His Excellency Señor Altamirano stated it was very painful for him and for his colleagues, and doubtless will be for his Government, to refuse a proposal for arbitration; to decline to accept a judge so highly placed and so nobly inspired as the Government of the United States.

It is necessary therefore, to clearly establish that arbitration is the standard which Chile has invariably raised in her international questions, and it is, above all, necessary to remember that, in order to avoid this sanguinary war, she also offered to appeal to judges before drawing the sword. That was the moment, and it is most deplorable that her offer was not accepted.

According to his Excellency Señor Carrillo, if this conference should close with the acceptance of arbitration it would be an epoch of glory for America, and a just, lofty and noble policy would be inaugurated for the future.

His Excellency Mr. Altamirano concurred with his Excellency in the desire to see arbitration elevated to the position of the sole and obligatory method of deciding differences between nations; but if it were in the present instance accepted by the Plenipotentiaries of Chile, they would be justly accused

and justly condemned at home as guilty of desertion from duty, and almost of treason to the clearest rights and interests of their country.

At the third and last meeting, held on the 27th October, Mr. Osborn signified his readiness to hear any suggestions that it might be thought proper to make.

He then addressed himself to each one of their Excellencies the Plenipotentiaries of Chile, asking them if they had anything to observe in relation to the matters under discussion. Their Excellencies the Plenipotentiaries of Chile stated that in conformity to their instructions it was impossible for them to make any modification whatever in the condition laid down.

His Excellency Mr. Osborn then invited each one of their Excellencies the Plenipotentiaries of Peru to manifest, if so disposed, their ideas upon the subject. Their excellencies the Plenipotentiaries of Peru declared, in reply, that as Chile insisted upon the maintaining of the first condition, and the arbitration proposed by them not having been accepted, it was impossible for them to go into an examination of the other conditions; that every door had been closed to them, and the continuation of the war rendered necessary; and that the responsibility of its consequences must not rest upon Peru, who had indicated a decorous means of reaching peace.

His Excellency Mr. Osborn invited in turn their Excellencies the Plenipotentiaries of Bolivia to make known their ideas, and they stated that for their part they considered the situation to be clearly and sharply defined. There is one condition, the first presented by their Excellencies the Plenipotentiaries of Chile, as indeclinable, which the allies cannot accept. There is another, that of arbitration, suggested by their Excellencies the Plenipotentiaries of the allied Republics, and rejected by those of Chile; and there is finally a third, which has been proposed separately by the representatives of Bolivia, but which has not been taken into consideration. They consider, in view of this result, that the negotiation has reached its close, and regret that the political situation of the respective

countries should not have permitted a common agreement to have been reached.

His Excellency Mr. Osborn declared that he and his colleagues profoundly lament that the conference should not have yielded the pacific and conciliatory results hoped from it, and believe that the same impression will be made upon the Government and people of the United States when the fact is communicated to them that the friendly mediation of the United States has been fruitless.

He therefore declared the conference closed.

Mr. Osborn's lukewarm attitude whilst presiding at the Arica conferences and his declaration that the Government of the United States did not pretend to act as arbitrator, "as that position would involve much trouble and great labors," was disapproved by Secretary of State Evarts, who, on the 27th of December, 1880, addressed an official note to him to that effect, asking for an explanation and stating, amongst other things, the following:

"If it was your purpose to convey the impression that we would not cheerfully assume any labor and trouble incidental to arbitration in the interest of peace, and in the service of justice, you have not correctly interpreted the views and ideas of this Government."

The Hon. Mr. Christiancy wrote to the State Department as follows:

"When the conferences at Arica had completely failed, on October 27th I proposed to Mr. Osborn (who was the senior minister of the United States, who had presided at the conferences) that he should telegraph to you, not only the fact that the conferences had failed, but the two points of disagreement which led to that disagreement, viz., the refusal of Peru to cede Tarapaca and the rejection by Chile of the arbitration of the United States. He seemed to be particularly anxious to avoid telegraphing that Chile had refused the arbitration of the United States, and declared that he should only telegraph you that "the conference had ended without result." I then informed him that I thought it proper to let you know the points of difference which caused the fail-

ure to agree, and that I proposed to telegraph that Peru refused to cede Tarapaca and Chile rejected the proposed arbitration of the United States. Upon the last point Mr. Osborn, I thought, seemed to be peculiarly sensitive and very unwilling that it should be announced that Chile had rejected the arbitration of the United States.

“The basis of negotiations, so far as related to the acquisition of territory by Chile, as foreshadowed by Mr. Baptista, viz., that a certain sum should be agreed upon as due to Chile for the expenses of the war, and that Chile should retain the possession of the whole or a part of the territory now in her possession as security for the payment of that sum, seemed to me to offer the only light out of the deadlock in which the parties found themselves. I therefore urged upon the Peruvian Plenipotentiaries that they should make a proposition upon this basis. I was, in reply, told by them that they would have been quite willing to do so if they had not been precluded by the positive declaration of the Chilean Plenipotentiaries that no such proposition could be entertained, but that the unqualified acceptance of their first proposition was an indispensable condition to all further attempts at negotiation. And this being the fact, as appears by the protocols, I could not urge them further to make such a proposition.”

The Hon. General Adams wrote to the State Department as follows:

“I have the honor to advise you that I have returned to my post after the failure of the peace conference at Arica. I do not think that either our Government or its representatives have any cause to reproach themselves nor feel that the efforts made, although without apparent result, have been entirely misplaced.

“A short dispatch of the abrupt termination of the conferences was signed by me jointly with Messrs. Osborn and Christiancy, and this, with a report of the proceedings and official protocols of the three conferences, will be transmitted to the Department by the latter, who is accompanied by our joint secretary, so that it is unnecessary for me to make a separate report; but some observations may not be perhaps

out of place, especially as I am cognizant of some matters affecting the negotiations as between Chile and Bolivia, which were not brought forward in the conference, but nevertheless may be of interest to yourself in order to completely understand the situation.

“The decided expressions of the Plenipotentiaries not to modify their first bases, no doubt influenced by public opinion in their country, which was opposed to peace, and the causes of this feeling said to be mainly based upon an official note to Mr. Christiancy by the Government of Peru, will probably be fully explained and commented upon by Mr. Osborn; as will also Mr. Christiancy, without doubt, give his views upon the popular feeling in Peru, and how much the Government of that Republic through its Plenipotentiaries was able to concede, and also upon the rather proudly, if not offensively, expressed refusal by Chile to accept arbitration as proposed by Peru and accepted by Bolivia.

“The matters are as between Chile and Peru, and I wish to add to the history of the proceedings simply that the proposition made by Bolivia to surrender the coveted territory under failure to pay a large war indemnity in a fixed limit of time, which would have guaranteed its peaceful possession to Chile, as neither Peru nor Bolivia would have been able to pay it, seemed to me at least well worthy of respectful consideration; but inasmuch as the proceedings do not show that the Government at Santiago had even been consulted thereon, and its Plenipotentiaries in the conference had but little to say about it, it seems to me that the Government was not very much in earnest in its desires for peace; that the conditions at first submitted were meant to preclude any probability of being accepted and that from the first our efforts might be considered inutile and in vain.

“The main endeavors of the Chileans in private conferences with the Bolivians, communicated to me confidentially by the latter, were made to break up the alliance between Peru and Bolivia, and engage the latter Republic in an alliance with themselves as the unavoidable result of such action. Great inducements were held out, a share in the conquests already and still to be made; but I am pleased to be able to

say that such perfidy and disregard of national honor was not consummated; and if, on being consulted on that subject, I took a decided stand in declaring that such proceeding, no matter how beneficial it might be to Bolivia, would be considered by my Government, and no doubt by the world, as one of the most infamous transactions in history, would reflect no credit on either nation, but lasting infamy on all persons connected therewith, and that I would neither be a party thereto nor even be considered officially cognizant thereof, I hope that I only expressed your own sentiments. The advances so made by one of the Chilean Plenipotentiaries were rejected; and if by the unfortunately existing alliance with Peru Bolivia is deprived from making peace, which it so much needs and desires, it can at least hold up its head amongst nations and be able to say that it will bear misfortune rather than dishonor.

“I have only to add my views upon one point as appearing in the second protocol, when Mr. Osborn, in rather strong terms, it seemed to me, stated the Government of the United States would not care to accept the office of arbitrator on account of the labor and trouble involved. In my dispatch No. 26 D, inclosure 5, I had the honor to transmit a memorandum of a conference with Mr. Carrillo, which, considering arbitration a natural consequence of the offered mediation and upon its failure the only practicable road to peace, I had no hesitation in declaring that such arbitration would be accepted by my Government if desired by all the belligerents. In that sense the mediation was accepted by Bolivia, and in that sense I wrote to Mr. Osborn (inclosure 6, No. 26), and having been informed by him that he had acquainted the Government of Chile of its import, and never having been by him advised that the construction I had placed upon the terms of mediation was wrong and ill-founded. I at least may be permitted to say that both the rejection of such arbitration by Chile and Mr. Osborn’s speech thereon appear to me strange and inexplicable, especially as no instructions had been received by either of us on that subject.”

The revelations which Minister Adams makes prove once more how base has been the policy of Chile during the war.

It is well to bear this in mind, because it has always been Chile's pet contention that her resentment against Peru, and the war itself, were due to the treaty of alliance between Bolivia and Peru; a treaty which she has declared was a plot against her sovereignty. In the face of her various ignoble attempts to sever the alliance and to destroy Peruvian sovereignty, it is difficult to understand how she can uphold such a preposterous contention.

CHILE AND THE PROPOSED INTERNATIONAL CONGRESS AT PANAMA

The several attempts which had been made to bring about a lasting peace between the belligerents had been frustrated by Chile's wayward policy.

On the 3d of September, 1880, a convention was entered into at Bogota by the Minister of Foreign Affairs of Colombia and the Chilean diplomatic representative, by the terms of which both countries agreed to submit to arbitration the decision of all questions that may arise between them and which it may be found impossible to decide by diplomacy. The President of the United States was designated as arbitrator.

This convention should have been ratified at Bogota or Santiago on or before the 3d day of September, 1881.

On the strength of this arbitration treaty, the Government of Colombia, that had not abandoned the hope of restoring peace in the South American continent, conceived the idea of convening an international American Congress to meet at Panama on December 1st, 1881, and to this effect invitations were issued to the several Governments.

In July, 1879, Señor Don Pablo Arosemena, while on his mediation mission to Chile, Bolivia and Peru, freely stated that in his opinion it would be highly desirable to reach a settlement of all the many complicated questions existing in Latin America by means of an international conference, and he suggested that such a proposition coming from the Presi-

dent of the United States would be gladly and respectfully received.

This sentiment prevailed among all of the Latin nations of the continent and, in consequence, Colombia's invitation was favorably viewed by them. But Chile, fearing that the conference would disapprove of her treatment of Peru and Bolivia and attempt to rob her of the fruits of her victories, exerted herself to defeat the noble initiative of Colombia, and to this purpose she led a campaign against the holding of such conference.

Señor Luis Aldunate, the Chilean Minister for Foreign Affairs, in his report to Congress, stated that "although the convention of September 3d, 1880, had been entered into by a Chilean diplomatic agent and presented to Congress for its ratification, the Government judged that, the date for its exchange and ratification having expired, present conditions advised the administration not to insist at all in its renewal."

He next referred to Chile's acceptance of Colombia's invitation to the Panama Conference, stating that although the representative at Bogota had officially assured the Colombian Government that Chile would attend the conference, the Government had given positive instructions to the said representative to state that for the reasons given above Chile would not renew the arbitration treaty and would not attend the conference to be held at Panama, and the said representative was further charged to make known to Colombia, in a discreet but positive manner, Chile's present state of mind, and to express that it was his nation's wish that the said conference should not be held.

And in furtherance of the policy which Chile had now traced herself, Señor Aldunate, in the aforesaid report, gives some very interesting points, which in view of recent events in connection with the forthcoming Pan-American Congress at the City of Mexico, show how consistent has been the policy of that nation whenever the question of arbitration of pending disputes has been brought to the consideration of the Americas.

"It was not sufficient that we should address ourselves to the inviting Government. We, therefore, sent our repre-

sentatives to Ecuador, to the Central American Republics and to Mexico, with instructions to thwart the idea of the International Conference. The Colombian Government was surprised at our action, but was forced to accept them as the logical result of circumstances beyond our wish, and which were imposed upon us by actual conditions.

"Ecuador judged that our request for a postponement was reasonable, because the conference would be unable to establish any sort of American public law with Chile out of the conference, and with the convention of September 3d, 1880, that served as a basis to its reunion, withdrawn.

"This action by the Ecuadorian Government gave rise to a violent discussion between the diplomatic representative of Colombia at Quito and the Minister of Foreign Affairs of Ecuador, and which at one moment threatened to produce serious consequences."

These words of the Chilean statesman prove how true is the charge which has often been brought against his country of trying by every possible means to create an imbroglio among the nations of the Southern Hemisphere. They prove, moreover, the selfishness and aggressive arrogance which characterizes Chilean diplomacy and her international policy.

In December of 1880 the Argentine Government tried to induce the Government of Brazil to join it in an effort to bring about peace between the belligerents. Señor Aldunate refers to this action in the following terms:

"The Chilean Government understood from the moment in which it became acquainted with the work which the Argentine Government had undertaken, that it behooved it to adopt a well defined and clear policy; consequently, it instructed our Plenipotentiary in Brazil to act in the premises, and to decline at once whenever such a proposition should be made to him."

THE MEDIATION OF THE UNITED STATES

SECOND PERIOD

The official communications exchanged between the United States Minister at Paris and the Secretary of State at Washington show how very jealous the Government at Washington was that there should be no European interference in the affairs of South America.

This policy of the United States undoubtedly prompted Secretary Blaine to try again to bring about an honorable and lasting peace between the belligerents; besides, he could not overlook the fact that his country had been instrumental, at the early stages of the war of the Pacific, in effecting a satisfactory arrangement of the boundary dispute between Argentina and Chile, a dispute which, if it had not been settled thus, might have induced Argentina to throw in her lot in favor of the allies, and the settlement of which, in any case, allowed Chile to feel perfectly secure from any danger from that quarter; and, therefore, enabled her to direct the whole of her energies, in the most complete security from any possible conflict with her powerful transandean rival, against the allies.

When dealing with this feature of the war of the Pacific it is impossible not to see how unfortunate it was for the allies that the Washington Government should have taken up such a position, and that, having once entered upon the policy of friendly mediation it did not carry it out in the interest of future peace and harmony on the continent.

But, in order to be just, it is necessary to consider the many unfortunate and unforeseen circumstances that surrounded the attempts made by Secretary Blaine from the time when he appointed as Minister to Chile and Peru, respectively, Messrs. Kilpatrick and Hurlbut, to the sad and tragical death of General Garfield, and the sending of Mr. Trescot to South America.

Mr. Morton, the United States Minister at Paris, wrote in August, 1881, to Secretary Blaine as follows:

“The attitude and correspondent relations of France, England and the United States, with the South American States, Chile and Peru, since the late termination of hostilities, was the subject of a private interview which I had the honor to have yesterday afternoon, at the palace of the Elysées, with President Grévy. The meeting was unofficial and sought by his Excellency for a mutual exchange of thoughts on a subject which appeared to have received his careful study. In the conversation which ensued, his Excellency alluded to the two abortive attempts on the part of the Governments of France and England toward effecting some practical agreement between these two South American States. He referred in a general way to the desirability of establishing between our respective Governments the basis of a mutual understanding in regard to the policy which might be jointly adopted by us both toward securing an early return of order and stability in the affairs of Chile and Peru, as far as comports with our national traditions and usages in the management of public affairs with foreign States. He spoke of the many unsatisfied claims of French subjects on the Peruvian Government, and expressed his strong disapproval of the extravagant demands made by the Chilean Government and conditions of peace which, if literally enforced, he apprehended would achieve the permanent enfeeblement, perhaps annihilation of the Peruvian State. In using this language, his Excellency indeed acknowledged the right of Chile, as a conquering power, to certain indemnities and privileges to be embodied in the final treaty of peace, etc., but which he thought required particular modification, and he was of the opinion that another attempt at mediation, on the part of foreign Governments, and especially of the United States, was requisite for the purpose of reaching a satisfactory solution of the present state of chaos and disorder, which now there obtains.

“In my reply I said I had received from my Government, as yet, no instructions or intimation in regard to the course it might pursue toward these South American States. I felt, however, his own views, as expressed to me, would, if presented, receive the most favorable consideration. I

continued to say my Government, I believed, had already striven, but without success, to interpose, as the equal friend between Chile and Peru, with a view to a reconciliation, and I had no doubt that, as suggested by President Grévy, a third attempt at mediation on our part would be ventured. And I concurred with his Excellency in the hope the heavy demands of Chile might possibly be modified, as I also felt that, if executed, they must limit, if not extinguish, in that State the future development of private enterprise, as well as the employment of foreign capital, by which alone its natural resources could receive extension. At the close of this interview his Excellency requested the informal transmission to you of the substance of his remarks, which I have the honor herewith to do, and I take pleasure to add that I regard this meeting with President Grévy as a renewed instance of the cordial relations now so happily existing between our two republican Governments."

To this communication Secretary Blaine replied as follows on September 5th, 1881:

"I have to acknowledge the reception of your dispatch, No. 6, of date August 11th, 1881, giving an account of your interview on the day previous with the President of the Republic in regard to the attitude and correspondent relations of France, Great Britain and the United States with the South American States, Chile and Peru.

"The remarks made and the suggestions offered by President Grévy concerning the situation of affairs in Peru have received that careful and respectful consideration due to the utterances of so eminent a statesman and the Chief Magistrate of France. I hasten to say that this Government agrees with him in profoundly deploring the disorders and sufferings that have already fallen upon, and the others that continue to impend over the people of Peru, and fully shares the humane and enlightened sentiments which have inspired in him a personal interest in that unfortunate struggle, and have induced him to suggest a concerted effort by France, Great Britain and the United States to bring the conflict to an end.

"Such interventions are frequent in European diplomatic

history, and have been sometimes followed by beneficial results in preserving the equilibrium of the powers. But the United States has not belonged to that system of States, of which France and Great Britain are such important members, and has never participated in the adjustment of their contentions. Neither interest nor inclination leads this country to wish to have a voice in the discussion of those questions; but our relations to the States of the American continent are widely different, and the situation is so nearly reversed, that this Government, while appreciating the high and disinterested motive that inspired the suggestion, is constrained to gravely doubt the expediency of uniting with European powers to intervene, either by material pressure or by moral or political influence, in the affairs of American States. These Republics are younger sisters of this Government. Their proximity of situation, similarity in origin and frame of government, unity of political interest on all questions of foreign intercourse, and their geographical remoteness from Europe have naturally given to American States close and especial relations to each other, and in the course of time removed them further from the European system.

“The interests, commercial and political, of the United States, on this continent, transcend in extent and importance those of any other power, and where these immense interests are deeply involved this Government must preserve a position where its influence will be most independent and efficient. In the contest between Peru and Chile, the United States has watched the progress of the struggle with painful interest, and endeavored, as opportunity offered, to arrange terms of peace; and you will say to the French Government that, while the interest which President Grévy has manifested for the cause of peace, and his sympathy with the unhappy victims of this war, find an earnest response here, both from the Government and the people, the United States declines to enter into negotiations with European powers for a joint intervention in the affairs of Chile and Peru.”

Later on, Mr. Morton wrote, saying that President Grévy had stated that “annexation by a victorious nation of the whole or a large part of the territory of the subdued nation,

or even the exaction of an undue indemnity of war, was contrary to the now admitted rights of nations as well as to the interests of neutrals. That a victorious nation had the right to secure the fruits of its victories, there was no doubt, but it had not the right to impose upon its powerless enemy burdens amounting to annihilation."

Señor Alejandro Garland, in his very interesting publication, "The South American Conflicts and the United States," refers to the action of the United States at the time, and he shows how Mr. Blaine acted in order to bring about peace. From the pages of his publication we gather the following statements:

"It was equally understood at Washington that the application of the Monroe Doctrine, as set forth in Secretary Blaine's letter, practically deprived Peru of the benefits to be derived from the interference of her friends and the good offices of the European Powers, and that consequently the moral duty of quickly bringing the war to a close, on honorable terms for all the belligerents, was incumbent on the United States.

"All this was evident to the eminent statesman Mr. Blaine, the Secretary of State at the time, influenced, as he was, by the noble sentiments and elevated views that so greatly distinguished the unfortunate Mr. James A. Garfield, who had already assumed the presidency of the Republic.

"It was a matter undoubted that the attitude premeditatedly assumed by the Department of State, when declaring its resolution to secure peace exclusively through its own exertions, rejecting the interference and even the co-operation of all other powers, entailed, as the unavoidable consequence, the imposition of peace by the United States if, as we understand, she intended to honor her moral responsibilities and thus retain her prestige and influence as the leading Republic in the world.

"Mr. Blaine set his mind on the attainment of this noble idea and, with his clear understanding of the grand future in store for American republicanism, as a furtherer of the progress and welfare of humanity and civilization, he gave definite instructions to the functionaries under his orders to strive by

every means in their power to secure peace without territorial dismemberment. Mr. Blaine did not admit the principle of military conquest as a means of territorial aggrandizement in the international relations of the free American countries.

“Swayed by these ideas, he accredited new ministers to the belligerent Republics of the Pacific. General Stephen A. Hurlbut was chosen for Peru and General Judson Kilpatrick for Chile.

“The instructions given to these agents are dated June 15th, 1881.

“Mr. Hurlbut was charged, in the strongest terms, to endeavor to eliminate the cession of territory as a condition for the initiation of peace negotiations and, to this end, he received the following instructions:

“‘It will be difficult, perhaps, to obtain this from Chile; but, as the Chilean Government has distinctly repudiated the idea that this war was a war of conquest, the Government of Peru may fairly claim the opportunity to make proposals of indemnity and guarantee before submitting to a cession of territory. If you can aid the Government of Peru in securing such a result, you will have rendered the service which seems most pressing. Whether it is in the power of the Peruvian Government to make any arrangements at home or abroad, singly or with the assistance of friendly powers, which will furnish the necessary indemnity or supply the required guarantee, you will be better able to advise me, after you have reached your post.’

“Mr. Kilpatrick, a copy of whose instructions was given to Mr. Hurlbut, was addressed as follows:

“‘Difficult as would be the intervention of the United States under ordinary circumstances, our position is further embarrassed by the failure of the conference at Arica, undertaken at our suggestion. It is evident from the protocols of that conference that Chile was prepared to dictate and not to discuss the terms of peace, and that the arbitration of the United States upon any questions of difference with the allied powers of Peru and Bolivia was not acceptable and would not be accepted by the Chile Government.’

“And he was, therefore, charged to observe a conduct of expectation, yet commanded to take advantage of every opportunity, but without officious intrusion, to induce Chile to desist from her demand that the *sine qua non* condition for the reopening of negotiations for peace be the readiness of Peru to cede a portion of her territory, it being a necessity to provide Peru and Bolivia with all and every possible opportunity to offer a fair war indemnity and an acceptable guarantee. ‘If these powers fail to offer a reasonably sufficient indemnity and guarantee, then it becomes a fair subject for consideration whether such territory may not be exacted as the necessary price of peace.’

“As is seen from the tenor of these instructions, the wish of the United States was that all diplomatic negotiations referring to annexation of territory should be postponed, only to be considered in the case of the vanquished Republics being unable to pay an equitable indemnity of war.

“Mr. Hurlbut was furthermore constituted the active agent in the new mediation and chief Minister on the Pacific coast.

“Mr. Hurlbut’s proceedings were of a most active character. A few days after his arrival at Lima and on the 5th of August, 1881, he addressed his Santiago colleague, informing him of the intentions of the Government of the United States, resuming the contents of his official note in the following terms:

“‘1st. That peace on fair and honorable terms should be arranged as speedily as possible.

“‘2d. That the integrity of the Peruvian territory should be maintained.

“‘3d. That a full, fair and reasonable indemnity ought to be made to Chile for the expenses of the war, adding: The United States are not disposed to recognize, on this continent, the European notion of addition to territory by conquest.

“His reception speech contained similar declarations and, taking advantage of the opportunity offered him by General Lynch, Commander-in-Chief at Lima, he forwarded to the

latter, on the 25th of August, 1881, a memorandum which was published immediately afterward and which contained the following paragraph:

“‘I wish to state further, that while the United States recognize all rights which the conqueror gains under the laws of civilized war, they do not approve of war for the purpose of territorial aggrandizement, nor of the violent dismemberment of a nation except as a last resort, in extreme emergencies.’

“Mr. Hurlbut lost no occasion for making this propaganda, and taking the full advantage which his diplomatic representation gave him, he encouraged Peru to prolong the resistance, inspiring her with full confidence in the efficacy of the ultimate intervention of the United States, that was to save her from any dismemberment of national territory, the one aspiration of all Peruvians at that time.

“The following telegram shows how the situation created at Lima by Mr. Hurlbut’s activity was interpreted by the Chilean authorities:

“‘LIMA, August 26th, 1881.

“‘Secretary of State, Santiago.

“‘Hurlbut, the United States Minister, has notified Calderon that the United States will, under no circumstances, permit annexation of territory to Chile; he has also repeated this statement to outside parties. It is the subject of conversation here, complicates and endangers our occupation.

“‘LYNCH, *Commander-in-Chief.*’

“In the meanwhile, Mr. Kilpatrick, who was rather sick at Santiago, remained entirely inactive.

“The Chilean Government was alarmed by the attitude assumed by Mr. Hurlbut in Lima. Mr. Kilpatrick allowed himself to be interpellated by the Minister of Foreign Affairs in reference to the conduct of his colleague at Peru, which he criticised in an unsuitable manner, and, proceeding under the mistaken supposition that Mr. Hurlbut’s instructions agreed with his own, he disauthorized the emphatic declarations made by this diplomatist, in the name of his Government.

“On Mr. Blaine’s receiving information of the false step

taken by his Minister in Chile, he sent him an official letter dated the 22d of November, 1881, strongly disapproving the latter's singular conduct, and ordered him to state to the Chilean Government that the President of the United States had decided to send a special commissioner charged to inform it 'of his views upon the deplorable condition of affairs in South America, a condition now fast assuming proportions which make its settlement a matter of deep concern to all the republics of the continent.'

"Nor was Mr. Hurlbut's aggressive attitude entirely satisfactory to the Secretary of State, who disapproved the manner of some of his acts.

"It was inevitable that Mr. Kilpatrick's conduct should greatly annoy Mr. Hurlbut, and henceforth no understanding between them was possible, and as it became consequently impossible for the two diplomatists to co-operate, it was deemed necessary at Washington to accredit a Special Envoy, furnished with full powers, to the three belligerent Republics."

MAKING AND UNMAKING GOVERNMENTS

While Chile was obstructing every attempt at peace and avoiding, through her diplomacy, the mediation or intervention of friendly powers, her efforts were directed to prevent the reorganization of any reasonable form of free government in Peru. Her plain object was to present Peru to the world as an impossible factor for self-government—unable to guarantee any treaty of peace; and in the meantime to take advantage of such a condition so as to further her plans of definite conquest of the rich nitrate provinces.

This statement is no vain supposition of the Peruvians; it is borne out by declarations of Chilean statesmen. Thus, a Cabinet Minister, Señor Vergara, stated on August 6th, 1881, before the Chilean Chamber of Deputies, that "to celebrate peace at the present time would signify leaving Peru free to regain in a more or less short time her strength; that, therefore, the policy of the Government of Chile was the wisest, namely: to prolong the occupation indefinitely until

Peru should be reduced to a state of complete and irretrievable decadence." And Deputy Errazuriz, on August 9th, declared: "We should establish our rule in Peru more thoroughly, obtain from her every advantage, weaken her to the very utmost, and until we get everything which we wish. * * *"

"The Mint is still standing intact at Lima; the railroad from Mollendo to Arequipa has not been destroyed. It is necessary to destroy Peru without delay; take away the rails, so as to lay them at Pozo Almonte and Agua Santa, or between Parral and Cauquenes. * * * If we abandon Lima we shall lose the revenues from the Callao customs and the other ports to the north, the war taxes, the guano from the deposits at Lobos and Chincha, and we shall revive the alliance which is already dead. Neither Garcia Calderon, nor Piérola, nor Montero, nor any other will sign the treaty of peace which we wish.

"On the other hand the war has given rise to new industries for our fellow-countrymen, who stifled in this small territory. Already the occupation pays and leaves a nice surplus. The ruin which the crisis had brought is disappearing, and we should now take advantage of Peru and of the booty consequent on victory. The Peruvian customs are endless sources of wealth, they represent five or six millions of dollars to our country. * * * We should not call upon the Peruvian law courts to administer justice; we should administer it ourselves."

The following excerpts from Mr. Hurlbut's official correspondence with Secretary Blaine tend to show the trend of Chilean sentiment at the time, and how very distant from Chile was the desire to make an honorable peace:

"The evidences of an intention to occupy Peru for an indefinite time are multiplying.

"The Chilean authorities are preparing a full system of internal government, including judicial functionaries. They are carefully examining all sources of internal revenue heretofore belonging to Peruvian authorities, and announce the intention to collect all these by their own officials.

"It is stated that this new order of things will go into

effect on the first of December. The effect of such a declaration will be disastrous to all foreign interests in this country and will at once revive war in its worst form.

"The custom houses now yield to Chile from nine to ten millions per annum. Add to this the internal revenues, and it is evident that, so far as the Chilean Government is concerned, they will make money by the occupation.

"The establishment of this policy by Chile means absolute ruin to these interests, involving many millions of dollars."

* * * * *

"There is a very decided tone of arrogance, both in the press of Chile and among their officers, born I think of their singular success in this war, which may easily become offensive.

"The mask which the Chilean Government has worn to cover the real purpose of this war is now removed, and it is openly avowed that peace will not be permitted except on condition of cession of territory.

"In looking back upon the whole history of events, prior to hostilities and since, I can have no doubt but that the purpose, end and aim of this war, declared by Chile against Peru and Bolivia, was in the beginning, and is now, the forcible acquisition of the nitrate and guano territory both of Bolivia and Peru.

"Everything else is made to bend to this purpose, and there is no reality in any pretense of peace on any other terms."

* * * * *

It was thus that Chile refused to negotiate with President Piérola shortly after the fall of Lima. His Plenipotentiaries were scornfully treated by Señors Saavedra and Altamirano, the peace commissioners appointed by Chile, who when pressed for a reason for such conduct declared their unwillingness to treat with the representatives of an authority which they did not recognize, and insinuated the idea that Peru should establish a new Government agreeable to Chile. By this action Chile sowed the seed of the internal struggle which came as a climax to Peru and finished the work of devastation which they had begun.

Referring to this very unfortunate condition in Peru the United States Minister at Lima wrote to the State Department as follows:

"It is evident that Chile means to leave Peru in a condition which shall not render her a dangerous neighbor hereafter. She will now probably demand the cession, not only of Tarapaca, but of the province of Moquegua, including Arica and Tacna, thus depriving Peru of most of her nitrate deposits and many of her guano beds. And, judging from the tone of the Chilean paper in Lima (the *Actualidad*), there is some reason for supposing that Chile is now endeavoring to instigate the Government of Ecuador to seize upon the northern portion of Peru, a part of which once belonged to Ecuador; and I should not be surprised if Brazil, taking advantage of this opportunity, should take possession of a large portion of northeastern Peru (the best portion of it, but now held by the wild Indians), and that by these several means the most important portions of Peru should be partitioned among her neighbors, a result which, should it take place, will not be calculated for the preservation of peace in any of these countries."

* * * * *

"The Chilean authorities here have definitely determined not to treat with Piérola, at present the only recognized Government of Peru, recognized by all the other Governments who have representatives here, and by Chile herself by treating with him at Arica.

"A movement has therefore been initiated among some of the leading citizens of Lima and Callao, and encouraged by the Chilean authorities, to establish a new government in opposition to that of Piérola (who is still at Tarma or Jauja). And at a meeting of 113 of those citizens a Mr. Francisco Garcia Calderon was, by a fair majority of that meeting, declared to constitute, to use their own language, the 'unipersonal government' of Peru."

As Peru was really anxious to reach a definite peace, and to return to a normal condition, the leading public men

of Lima, animated by this one desire, resolved to attempt the formation of a Government which would command the approval of all Peruvians and inspire respect among foreign nations. To this end a group of influential gentlemen elected Señor Francisco Garcia Calderon, a talented and wealthy lawyer, to fill the position of provisional President. It was their intention to submit his election and the new government by them instituted to the people of Peru, who would be invited to sanction this government until a Congress could be called together to ratify it or to establish another in some form.

No sooner did the Chilean Government see a disposition on the part of Peru to organize a stable government than it began to put difficulties in the way; it was clear, as Mr. Christiancy puts it, that the aim of Chile was to deprive Peru of any recognized form of government, although professing to wish to do so. To this effect the aforesaid American diplomatist says:

“Perhaps I ought to add here (what sufficiently appears in my former dispatches) that the principal grounds upon which the Chilean authorities claim to base the right to adopt this policy of indefinite occupation, viz.: that it has become necessary, because the Peruvians have neglected to form a government with which they could treat, and the anarchy which results from this state of things has been deliberately produced by their own action, and, to all appearance, for the very purpose of furnishing a pretext for the policy which they have finally adopted. They could have readily treated with Piérola, who was anxious to treat, and who had been and still is recognized by all the Governments represented here, and by the Chileans themselves at Arica. But they refused to treat with him, and encouraged the setting up the provisional Government of Calderon, and from time to time encouraged that Government in its efforts, to some extent, but soon began to treat it with contempt, and to cut off from it one privilege after another, still allowing it to appeal to the people of Peru for their adhesion, and to call Congress together, thus dividing the people of Peru between Piérola and Calderon in a manner which threatened civil war.

"The ruse has been successful in producing the result desired, but quite unsuccessful so far as relates to the concealment of the true motives of their action."

As the Government of the United States was anxious to bring about a lasting peace between the belligerents, it instructed its Minister at Lima to recognize the Calderon government. In replying to Secretary Blaine on this subject Mr. Christiancy, prior to his return home, says:

"Señor F. Garcia Calderon is a wealthy man, and the representative of the Goyeneches, the wealthiest family in Peru. I am inclined, nevertheless, to believe that he is acting in good faith to Peru, with the hope of establishing peace, but I do not feel certain of it. If he is acting in good faith, I am satisfied the Chileans are deceiving him.

"Now, on looking carefully at your dispatch No. 143, I see clearly that one of your objects in recognizing the Calderon government is to bring about peace with Chile, which implies your desire for the continued national existence of Peru, and does not admit the idea of its permanent conquest by Chile.

"But I am now fully satisfied that Chile does not intend to make peace with Peru at all unless driven to do so by outside pressure. For the grounds of this opinion I refer you to my last dispatch, No. 319, and wish now to say further, that on Sunday last (19th instant) Mr. Godoy, the political representative of Chile here, called upon me at the legation, and we had a free and general conversation upon the whole situation. I remarked to him (as I had before) that I had received instructions from my government under which I might feel authorized to recognize the Calderon government, which I had supposed and believed my government had supposed would be looked upon by Chile as rather friendly than hostile to Chile, inasmuch as the Calderon government had been encouraged by Chile. He again repeated that Chile had not yet recognized it. I said substantially that if the Calderon government should succeed in obtaining a quorum of Congress it would be strong evidence that it represented the nation. To this he seemed to assent.

"I further remarked that while my government pre-

served its strict neutrality, it was anxious for peace between the belligerents at the earliest practicable period; and I thought this might be brought about if a quorum of Congress could be obtained, or at least as soon as the government should be able to get back fully to a constitutional government. To this he replied, 'It will be a very long time before a peace can be settled.'

"He did not know that I knew he and the Chilean authorities had been coquetting with the friends and commissioners of Piérola. But I could readily see from this, as well as the conversation referred to in my dispatch No. 319, that they did not wish any encouragement or prestige to be given to the Calderon government, except what they might choose to give; and I could not but infer they were playing off the Calderon government against that of Piérola, for the purpose of furnishing a plausible pretext for holding the whole of Peru, or so much of it as they could."

When Mr. Hurlbut arrived at Lima he reported the condition of Peru to the State Department in the following terms:

"I now propose to state to you the difficulties and special hardships which surround the Calderon government in their honest attempt to procure fair conditions of peace.

"In the first place the Chilean authorities have never recognized this government in any clear and distinct form. It has, from the beginning, been tolerated, consented to and, in some particulars, aided, by the Chilean military authorities; a procedure on their part which may either be from a real desire to re-establish order in Peru, or more probably to foster a division in the nation, which would still farther diminish her capacity for resistance.

"Pursuant to the resolution of Congress Mr. Calderon named his plenipotentiaries to confer on terms of peace with Mr. Manuel Godoy, the Chilean commissioner. Mr. Godoy has so far declined to receive these plenipotentiaries, and the reason is evident. By reception and the exchange of credentials the government of Mr. Calderon would be effectually recognized as the authority in Peru. Godoy then proposed to

confer directly with President Calderon, but insisted that the conferences should be of a private character. To this the Peruvians replied that the making of peace was an affair of the highest public nature with which they could only deal in their public character, and reiterated their request for exchange of credentials. Mr. Godoy has taken time to-day to refer the question by telegraph to Santiago.

"It is the purpose of the Peruvians to insist on recognition, and to prolong the discussion as much as possible.

"I gather from various sources, and with reasonable certainty, the actual purposes of Chile.

"It appears to be the declared intention of the existing government in Chile to make the cession of the department of Moquegua up to the River Ilo, the *sine qua non* of peace.

"To such cession it is simply impossible for any Peruvian Government to consent; *first*, because public indignation would overthrow any that should so consent; *second*, because the constitution of Peru expressly forbids the execution of any treaty which diminishes the territorial integrity or reduces the sovereignty of Peru; and *third*, because the possession of that territory by Peru is the only visible means of future support, and of payment of their large public debt.

"Yet it is in the power of the Chilean military authorities to extinguish the Calderon government, and thus leave the country to anarchy; and I feel satisfied that if they cannot obtain from Calderon submission to such terms as they are likely to dictate, they will dissipate his government, unless it shall be sustained by some stronger power.

"Mr. Calderon says to me that he will not consent, in any event, to the division of Peruvian territory, and that he will endure any consequences. He also says that he is prepared to pay any indemnity in reason, to twenty, thirty, or even forty millions of dollars, and inasmuch as the Chilean Government officially states that \$30,000,000 is the limit of their war expenses, and that they have received large sums, the indemnity would seem to be abundant. I fear that Peru, *alone*, cannot hope for endurable terms of peace from Chile, yet although utterly beaten in the war, she ought still to be considered as a nation.

"All South America, except Brazil, is opposed to the pretensions of Chile, and all, without exception, look to the United States as the sole hope for the future of Peru, and as the only power capable of checking this greed of conquest.

"It is, in my deliberate and carefully considered judgment, the proper time for the United States to act as a friend to both parties, and to say very kindly, but very firmly, to Chile, that war has fulfilled all its legitimate purposes; that longer continuance of the state of war would be disastrous to both countries, and an unnecessary invasion of the rights of neutrals, engaged in commerce or owning, as they do, large properties in Peru; and that a peace honorable to both countries should be concluded as soon as possible, on fair terms as to indemnity. It will be remembered that Chile in the Arica conferences denied any purpose of acquiring territory by conquest, and placed her demand for cession of territory solely upon the ground that Bolivia and Peru had not the means to pay a money indemnity.

"Inasmuch as Peru offers to pay and can pay a money indemnity, the forcible annexation of territory ought not to be permitted. By such action on the part of our Government we would gain the highest influence in South America, we should subserve the purposes of a truer civilization, and inaugurate a higher style of national and international law on this continent.

"In whatever form this may be done, if done at all, it ought to be done very speedily, and as a very serious emergency may arise at any time, I should be happy to receive from the Department by telegraph some indication of approval or disapproval of my views.

"As I am at present advised, after careful consideration of the instructions given to myself and Mr. Kilpatrick, and the personal conferences held with you, I shall not interfere with Mr. Godoy or his negotiations unless it shall be apparent that the purpose is to crush out the national life of Peru. In that case I shall calmly and strongly protest against such a course, and indicate in distinct terms that such action does not at all conform to the wishes of the United States, and

meets with its disapproval. This, however, only in case the emergency shall arise before I hear from the Department.

"I am well aware that the proper channel of communication is at Santiago, but inasmuch as the peace conferences have been undertaken here, I should desire full instructions.

"The condition is very serious, and demands prompt action if it be the purpose of the United States to save Peru from being obliterated as an independent power.

"You may be assured that I shall not precipitate matters, but shall endeavor in all ways to have the preliminary negotiations prolonged, that you may have full time for consideration and for transmission of instructions both to Lima and Santiago. I close by repeating that no such opportunity for the just extension of American influence in the interest of humanity has been presented to my knowledge, and that the failure to use it would, in my judgment, relegate the whole of South America over to European influences, which are openly or covertly hostile to the United States, at all events so far as their representatives on this coast are concerned."

We will now see how Chile behaved toward the newly constituted Peruvian Government. And as the intention of the writers of this book has been throughout to give the unbiased opinions of third parties, and to this effect they have based their statements on well-proven historical facts and official documents, I shall now reproduce Minister Hurlbut's statement of these facts, when reporting them to his Government, and such official documents as serve to demonstrate the bad faith of Chile.

"Since the date of my last (No. 15) events have occurred which demand precise statement, and deliberate consideration.

"As you are aware, from the correspondence of my predecessor, the dictatorship of Piérola crumbled to pieces after the battles in front of Lima. Piérola himself disappeared. There was no government in fact.

"In this emergency, many gentlemen of high standing attempted to reconstruct a constitutional government, and to that end requested of General La Puerta, who was the consti-

tutional Vice-President, overthrown by the Piérola rebellion, that he would resume his lawful power. This he positively refused to do, on account of his inability from ill-health to perform the duties. The situation was peculiarly pressing, because the Chilean military authorities, on occupying the city of Lima, had imposed a pecuniary contribution of one million of soles, in silver, per month, and in accordance with their somewhat peculiar notions, had apportioned this immense sum on certain private citizens, supposed to be wealthy, in fixed amounts charged to each one, with the penalty that if not paid their property in this city should be destroyed and themselves imprisoned.

“With such an order hanging over them it became necessary to establish some form of government which might represent them. Prado, the constitutional President, had run away from Peru before the Piérola revolution was made, and has never returned. La Puerta succeeded as Vice-President, was overthrown by Piérola, and, as I have stated, declined to serve.

“Garcia Calderon was chosen to act as provisional President; was permitted to act as such by the Chilean authorities; was assigned a certain neutral zone or space near Magdalena by the Chilean authorities; was allowed to appoint all his ministers and other officers; to publish decrees; to assemble his Congress; to keep an armed force of one thousand men, and generally to perform the functions of government. Negotiations for peace were opened with him by Godoy, on behalf of and by the authority of Chile. He was allowed to borrow money on the faith of Peru, and to issue about eight millions of paper money, out of which he paid a heavy sum in ransom of the city of Lima. He was recognized by foreign nations as the lawful head of the Government of Peru, and as such received official visits, and publicly and openly exercised all the prerogatives of sovereignty. This chain of facts constitute recognition by Chile of the Calderon government, fully as effective as if given in terms, and in official communications.

“Some four weeks since, Admiral Lynch, the Chilean commander-in-chief, disarmed the Peruvian guard in Magda-

lena; but in an official communication to Mr. Calderon, as well as in conversation with me, put this act exclusively on a military basis, giving as a reason the actual or probable desertion of the force, which reason I accept, as a proper military precaution.

"On the 26th of September, without any notice, he seized the treasury and has it now under guard, and stopped, by military order, the payment of all funds of any kind; appointed Chilean officers to collect certain local revenues accruing to the Calderon authorities, and forbade the Bank of London, Mexico and South America, in which the Calderon funds were deposited, from paying over.

"Having thus seized the means of living, he then, on the 28th of September, issued the decree and sent the letter, which I forward translated, and enclosed in translation of letter from Mr. Galvez to me, thereby virtually commanding Calderon to cease his functions, and to surrender all his archives, books and papers.

"Mr. Calderon consulted with me on receipt of this order, and said very firmly that he should not obey it. Inasmuch as it was very probable that this act of disobedience would be promptly followed by military arrest, I suggested to Mr. Calderon the propriety of making some arrangement by which some legitimate successor could be provided in case he was disabled from acting. To this end the Congress, all of whose members were in Lima, was quietly assembled, and they proceeded to elect Admiral Montero, now in command in the north of Peru, outside the Chilean lines, as Vice-President, thus continuing the constitutional succession. All of these acts are strictly legal, and not only according to the practice of Peru, but to the tenor of the constitution.

"I also received from Mr. Galvez, the Secretary of Foreign Affairs, such books, documents, and correspondence as he considered essential, and shall hold them in this legation.

"These precautionary measures having been adopted, Mr. Calderon replied, under date of September 29th, to Admiral Lynch, in a well reasoned and dignified letter, which I also enclose in print, and in Spanish, as I have not yet found time to translate so long a document.

"This letter has been sent by Admiral Lynch to his Government, and since that time no further action has been taken, and I suppose none will be, until he receives instructions from Santiago.

"I send, also in Spanish, the printed copy of Lynch's reply to Calderon's letter of the 29th.

"I am not positive as to the real meaning of these extraordinary acts, but am inclined to think that the purpose is to abolish by force all respectable authority in Peru, and especially the one which the United States have recognized.

"It is a self-evident proposition that no act of Chile, whether from its civil or military authorities, can in any way operate upon the relations which the United States have maintained, or may choose to maintain, with any government in Peru, nor can any military order prevent my treating with Mr. Calderon as representing the sovereignty of Peru.

"I doubt whether the Chilean doctrine, as expounded by Lynch, of the rights of conquerors will go so far as that. Yet, I see in the future no special limits to their possibilities of dictation.

"There is a very decided tone of arrogance, both in the press of Chile and among their officers, born I think of their singular success in this war, which may easily become offensive.

"The mask which the Chilean Government has worn to cover the real purpose of this war is now removed, and it is openly avowed that peace will not be permitted, except on condition of cession of territory.

"In looking back upon the whole history of events, prior to hostilities and since, I can have no doubt but that the purpose, end and aim of this war, declared by Chile against Peru and Bolivia, was in the beginning and is now the forcible acquisition of the nitrate and guano territory, both of Bolivia and Peru.

"Everything else is made to bend to this purpose, and there is no reality in any pretense of peace on any other terms."

"MINISTRY OF FOREIGN AFFAIRS,

"LIMA, September 28th, 1881.

"MR. MINISTER: On this day his Excellency the President has received the note and decree, a copy of which I have the honor to enclose to you.

"The measures already taken by the commander of the army of occupation, in first disarming the guard which my Government had at Magdalena, and afterward in placing guards in the offices of the minister of hacienda, and in the public treasury, seizing upon all the funds of the Government, gave reason to believe that the purpose of the Chilean Government was to cause all government in Peru to disappear, in order to carry into effect not only the military occupation of Peru, the territory of the Republic, but also the complete domination over the country. To-day, Mr. Minister, this presumption is a reality. The commander of the Chilean forces not only takes the direction of public affairs in Peru, but also suppresses all national government, prohibits the exercise of any act of sovereignty, and even demands, as if my government were a dependency of Chile, the surrender of the archives and documents which may be in its possession.

"My government, which owes its existence to the choice of the people of Peru, and has for its rule of conduct respect to the constitution and the laws: my government which, in the presence of this same army of occupation has quietly exercised its functions, finds itself, to-day, compelled to protest in the most solemn manner against this violent act of the Chilean Government which, I repeat, suppresses all national government, and necessarily prevents all negotiation for peace, and tends directly to absolute dominion over the whole Republic.

"The internal dissension in Peru will be the pretext under which Chile will insist that there is no government with which to treat, but the undoubted fact is that Chile does not wish that there should be any government in Peru with whom to negotiate, as a step to the destruction of the Peruvian nationality.

"In giving to you, sir, the knowledge of such vastly im-

portant events, it is with the hope that you will communicate them to your Government, so that it may plainly appear before America, and before the world, that my Government in no respect admits the pretensions of Chile, and that at all times, under all circumstances, and in whatsoever place it may be found, it represents, and will represent, the supreme authority of Peru, until that nation, sole arbiter of its own purposes, shall decide as may correspond to its dignity and its interests.

"I have the honor, Mr. Minister, to subscribe myself, your Excellency's most faithful and obedient servant,

"M. M. GALVEZ.

"His Excellency STEPHEN A. HURLBUT,

"*Envoy Extraordinaire and Minister*

"*Plenipotentiary of the United States.*"

"LIMA, September 28th, 1881.

"DR. FRANCISCO GARCIA CALDERON:

"SIR: I have on this day issued a decree, by which I order the suspension of the exercise of all authority which is not derived from these headquarters, except those municipal authorities actually in existence and allowed to continue for the purpose of collecting local taxes.

"I take occasion to send to you, with this, a copy of my decree, the terms of which put an end to the government which, until now, has been in existence by our toleration, and presided over by you, and inasmuch as the documents, archives and other effects in possession of the functionaries who have served under your orders do not belong to them, but are public property, I trust that you will take the necessary measures to prevent any disposition of them, and will do me the favor of sending to my office, as soon as possible, a list of all of them.

"With sentiments of distinguished consideration and esteem, I subscribe myself, your obedient and faithful servant,

"P. LYNCH."

"LIMA, September 28th, 1881.

"The GENERAL-IN-CHIEF of the Army of the North,
Republic of Chile.

"Inasmuch as I have this day decreed as follows:

"Hereafter in such part of the territory of Peru as is now, or may hereafter be occupied by the forces of the army under my command, no acts of government will be permitted to be done, or exercised by any other functionaries or authorities than those established by these headquarters. The municipal authorities, which at present exist, shall, however, subsist and continue to receive municipal taxation for the purpose of providing for the necessities of local service.

"Let this be recorded and report made.

"In order, therefore, to give full notice to all persons, let this be published by proclamation, and by notices fixed on the most public places of the city.

"P. LYNCH."

Excerpts from President Garcia Calderon's reply to the letter of Admiral Lynch, Chilean commander-in-chief, communicating his order suspending the exercise of all civil authorities not appointed by the Chilean headquarters:

"Yesterday I received your letter of the same date, in which you inform me that in pursuance of the proclamation, of which you have sent me a copy, you have put an end to my government, and asking me for a statement of the papers, archives and other effects which the officials who have served under my orders may hold.

"If I was not in possession of other facts, beside your letter, I would have but few words to say in reply to it, because neither the letter nor the proclamation express the real motive of your order.

"But the facts which have developed since the disarmament of my troops at Magdalena; the conferences held toward the settlement of peace between Peru and Chile; the taking possession of the treasury offices under my administration, and the publications, both in the Chilean press and the Lima newspaper *La Situacion*, explain the motives of your pro-

ceedings and make perfectly clear that as soon as the Government of Chile became convinced that I am not and have never been disposed to sacrifice the territory of Peru in a treaty of peace, it began to take measures hostile to me, which have been carried on to the extreme of declaring my government abolished.

“So explained, your proclamation has not the character of a simple military measure within the action of martial law, and on this account my reply cannot be short. It is necessary that the serious and momentous measure contained in the proclamation should be analyzed in detail, and for this reason I must occupy your attention for some time. * * *

“In February of the present year a respectable majority of this capital and Callao, considering that the government of Señor Piérola had come to an end for reasons of domestic politics, to which it is not necessary to refer here, decided to form a new government, which would satisfy the exigencies of the situation, and appointed me the Provisional President of Peru.

“Being in possession of this authority, strengthened by the will of the people, I commenced to exercise my functions, and the most important ones which I executed at the inauguration of my government were the following two: Two negotiations for the disoccupation by the Chilean forces of the zone within which I was to exercise my functions, and the payment of the war tax levied upon Lima and Callao.

“If, on exercising those acts, I had thought that my powers did not derive from the people who have intrusted them to me, but from the Chilean authorities, I would certainly not have agreed to anything nor made engagements of any kind, because I would have had no power to enter into contracts.

“This being so, and it being also proved by the foregoing facts and by other facts of public notoriety that my government was established by the popular will and not by order or consent of the Government of Chile, I cannot accept your proclamation, which declares my government abolished as if it were one of the offices under your orders. My authority derives from the people who elected me and from the Peru-

vian Congress, who has confirmed and extended my powers, and as long as these two authorities do not appoint another to occupy my place, I am and shall continue to be the President of Peru, whatever may be the contingencies to which I may be exposed.

“My powers do not, consequently, owe their existence to the toleration of the Chilean authorities, as you state, but they derive from a fountain beyond the control of those authorities. The sovereignty of Peru, which is the source of my powers, is not subject to the authority of Chile, or, to speak more correctly, it has not disappeared by the occupation of a part of the Peruvian territory, nor will it disappear if the whole territory were occupied. The word, occupation itself expresses it clearly. On the other hand there would be toleration on the part of the forces who occupy the territory if the establishment of a government in the occupied territory were contrary to martial law. In such a case it could be said with reason that its acts were tolerated (not having then the right to practise any).

“Martial law gives to the occupants the right to forbid all acts which may make the occupation insecure, and on this account they may forbid whatever may endanger their safety. In accordance with this rule, established by international law and by the practice of nations, you may oppose my having troops and my practising all acts of hostility. Acknowledging this right, when my troops at Magdalena were disarmed I protested against that act, not because I have the right to keep an army, but because it violated our preëxisting engagements, and inasmuch as it might imply a rupture of relations with me. But as you declared that that measure was a purely military one, and dictated only by motives of safety, I recognized the force of martial law, and I did not insist on my reclamation. I continue, however, occupying without troops the zone of Magdalena, Miraflores and Chorrillos, and the authorities appointed by me are to this moment at those places, which your troops have not again occupied.

“This fact, apparently insignificant, proves that you and I are perfectly in accord as regards the extent of martial law. I understand that I cannot exercise in Lima any func-

tion which may have the character of a public act or of an act of force, and I abstain from practising the same; and you must be convinced that you cannot oppose any acts outside of that sphere, and for the same reason you have not opposed my constituting offices in Lima, transacting business in them, and practising in general all governmental acts which do not require a public manifestation as an essential requisite for their validity.

“According to these principles, you have had no right to take possession of the treasury nor to sequester the funds which the government possesses in the Bank of London, and which proceed from loans made by the bank itself; nor to demand the surrender of the other offices under my administration. Those establishments are not of a warlike character, and I myself have no war powers, consequently martial law cannot be invoked for such acts. Martial law is not conquest; martial law does not transfer Peruvian territory to the Chilean Government, and consequently in spite of that law I can and must exercise my authority, with the limitations indicated; and the offices under my administration should and must continue in operation.

“To these considerations must be added the fact that many foreign nations have recognized my government as the legitimate government of Peru; and in virtue of that recognition I have contracted with foreigners residing in this country obligations which I must fulfill. If those countries had believed that my government could disappear by an order from the Chilean authorities, they would have never recognized me. But they have thought that Peru has the right to govern herself, and have established relations with me, and have now the right to require the fulfillment of the contracts entered into with their nationals.

“I have, however, stated at the beginning of this letter that my resolution not to cede any Peruvian territory as the basis of the treaty of peace is the cause of the measures taken against me. Even under this supposition it will be easy to show that what is now required of me is not justifiable.

“When my election took place, I received the mission to conclude a treaty of peace with Chile; and from that mo-

ment I made efforts not only to know the true opinions of the Republic as regards the treaty, but also to study the terms proposed at Arica, and to find out if they were or not reasons strong enough to make them advisable. It does not require a great effort to see that the majority, if not the whole of Peru, is opposed to the cession of territory, and this being the fact, the treaty of peace, in which that cession was stipulated, would produce as a result, not only the overthrow of the government who was to sign it, but also the necessity of undertaking another war.

“The first of these reasons, which belongs exclusively to the domestic politics of Peru, does not in truth concern the Republic of Chile; but the second reason is of serious import to Chile. To her and to Peru it is of the highest importance that the peace concluded should be such that it shall not be in future altered, and that hostilities be not again renewed; and as this end cannot be attained by accepting a condition of peace which the Republic rejects, I ought not and must not sign a treaty in which, under the name of peace, I should make a legacy of perpetual wars to my country and to the Republic of Chile.

“The example of what passes in Europe cannot be alleged to destroy the force of the preceding consideration. On the contrary, the extension of frontiers among the nations of Europe has been from the remotest time, and will continue to be in the future, the cause of formidable wars which destroy millions of men. In spite of the exuberance of population and wealth of the European nations, their large permanent armies are the cause of immense evils, and these are the natural consequence of the wars of frontiers, boundaries and conquest. If this system were to be introduced into America it would produce sooner or later the ruin of the continent. Our republics are not rich in capital or in population, as is proved by the fact that all are in need of immigration, and that the least commotion compels them to raise new loans, and to issue paper money.

“If in consequence of her first war, Chile has been forced to have recourse to the use of paper money, of which she was free, what will happen when she shall be obliged to sus-

tain two or three more wars, or at least to keep up a considerable army to maintain the extension of her frontiers. Listening only to the passions of the hour, some may say that the future which I foresee will never be realized; but only ordinary minds will think so, and neither you nor the statesmen of Chile will agree with such.

“Nations never perish; reactions easily operate in them, and frequently their reconstruction is as surprising as their fall had been unexpected.

“Convinced as I am of all this, and longing for a lasting peace, I cannot make up my mind to dismember the territory of Peru. I do not wish that my name shall pass to posterity with the stigma of reprobation with which the people of America will brand the man who will legalize among them the fatal system of conquest; a high feeling of American policy guides me in this case, and compels me not to consent to the cession of territory.

“I know very well that these ideas will not be agreeable to a considerable portion of the Chilean people, because at all times popular feeling has been intemperate. But I believe at the same time that you and all other Chilean statesmen will think as I do, because I have believed, and now believe, that your government will conclude a treaty of peace without exacting territory. I accepted the office I hold, and now continue to hold it, and have not resigned it, because I have the same conviction, which has suffered no change; although, as I have said, I judge the measures taken against me have their origin in my refusal to give up Peruvian territory.

“But I have thought also that nobler ideas will make their way hereafter among Chilean statesmen, and then a treaty of peace will be easily made, and we shall be able to conclude it in a way that it will afford us securities in the future. We should be unable to attain this end if I could not pay to Chile the expenses of the war, but I have the certainty and the means to pay a reasonable indemnity, fixed by common accord, or by arbitration; and this is another reason which compels me to oppose a cession of territory.

“As, therefore, the possibility exists of settling, within a short time, the pending questions, and feeling as I do that no

Peruvian will cede a part of the territory of his country as a basis of peace, the prolongation of the existing state of things, or what has been called the indefinite occupation of the Peruvian territory, offers, as all measures of the same nature, the inconvenience of being a defective settlement.

“This is neither a state of war nor a state of peace, and causing serious injury to Peru, does also injure Chile. Instead of so anomalous a situation which forces both countries to exhaust their strength, and which will make wider and wider the separation caused by the war, is it not nobler, more grand and more American to conclude a lasting peace that will secure a tranquil and glorious future to our countries?

“These are reasons of such weight that I do not doubt but that they will influence your mind not only not to insist upon the closing of my public offices, but also to decide you to turn over to me those you have taken possession of. But if, as I presume, you act by order of your government, you may at least suspend all subsequent proceedings, transmitting to the Government of Chile the present letter, which I am sure will become the basis of our future understanding.”

Chile was not satisfied with the state of affairs in Peru, and therefore exercised one more act of oppression against Peru, by violently arresting and deporting President Calderon and other influential members of his government.

This new outrage was reported to Secretary Blaine by Minister Hurlbut as follows:

“It was effected about two o’clock on Sunday morning, the 6th, with a good deal of unnecessary military display. A battalion was placed in the street in rear of his house and the entire block closely guarded. A company was thrown out across the front of this legation, which is only three doors from Mr. Calderon’s house, probably to prevent his seeking asylum here. Mr. Calderon, however, had no idea of attempting escape, and was found in his house. He and Mr. Galvez were at once taken to Callao and put on board the ironclad ‘*Cochrane*,’ which sailed on Monday evening. Their destination is said to be Santiago.

“The real purpose of this arrest undoubtedly was to

check the strong movement in Peru toward the support of the constitutional government, and to continue the state of anarchy and confusion as a ground for Chilean occupation. It is also quite possible that it was intended to be understood by the people at large as the reply of Chile to the known support of that government by the United States. This purpose will, of course, be disavowed, but there is no doubt in my mind that it exists, nor that it is so understood by everyone here.

“The policy of Chile is transparent, and is in fact avowed in a semi-official way by their organ in this city, *La Situacion*. It is to hold this country under armed occupation until they can find or create some one with whom they can make peace on their own terms. The Calderon government, supported by nearly the whole of Peru, was rapidly acquiring a dignity and position which must have been recognized by all nations, but it was known that it would not submit to mere dictation of terms of peace. Therefore, by the use of pure force, the head of that government has been removed, and secret negotiations opened with Piérola.”

By this time it was evident that Chile had no real desire for peace, and that she had to some extent managed to plant the seed of internal discord in Peru.

Further developments will show how ably but unscrupulously this policy was carried out.

THE MEDIATION OF THE UNITED STATES

THIRD PERIOD

This important mission was confided to Mr. William Henry Trescot, of South Carolina.

The extensive instructions he received are dated November 1st, 1881.

After minutely explaining the situation created, he was authorized to declare “that the Government of the United States recognizes, without reserve, the right of Chile to an adequate indemnity for the cost of the war, and a sufficient

guarantee that it will not again be subjected to hostile demonstrations by Peru, and further, that if Peru is unable or unwilling to furnish such indemnity, the right of conquest has put it in the power of Chile to supply them, and the reasonable exercise of that right, however much its necessity may be regretted, is not a ground for legitimate complaint on the part of the other powers.

"And, therefore, his Government holds: that between two independent nations hostilities do not, from the mere existence of war, confer the right of conquest, until the failure to furnish the indemnity and guarantee which can be rightfully demanded be evidenced.

"The United States maintain, therefore, that Peru has the right to demand that an opportunity be allowed her to find such indemnity and guarantee. Nor can this Government admit that a cession of territory can be properly exacted, far exceeding in value the amplest estimate of a reasonable indemnity."

The instructions ended with the declaration that: "If our good offices are rejected, and this policy of the absorption of an independent State be persisted in, this Government will consider itself discharged from any further obligation to be influenced in its action by the position which Chile has assumed, and will hold itself free to *appeal to the other republics of this continent to join it in an effort to avert consequences which cannot be confined to Chile and Peru; but which threaten with extremest danger the political institutions, the peaceful progress and the liberal civilization of all America.*"

And for the event that Chile receive the representations of the United States in a friendly spirit, it will be your purpose:—

"*First.*—To concert such measures as will enable Peru to establish a regular government and initiate negotiations.

"*Second.*—To induce Chile to consent to such negotiations without the cession of territory as a condition precedent.

"*Third.*—To impress upon Chile that in such negotiation she ought to allow Peru a fair opportunity to provide for a reasonable indemnity; and, in this connection, to let it be understood that the United States would consider the im-

position of an extravagant indemnity, so as to make the cession of territory necessary, in satisfaction, as more than is justified by the actual cost of the war and as a solution threatening renewed difficulty between the two countries."

In order better to understand the policy of the United States, it will be convenient here to say:

That according to the official declarations of the Chilean Government, the war expenses on their side, up to that date, were from \$30,000,000 to \$40,000,000.

And, in consideration thereof, Mr. Blaine, in the course of the instructions, of which we have extracted the foregoing paragraphs, said to Mr. Trescot, as follows:

"Already by force of its occupation, the Chilean Government has collected great sums from Peru; and it has been openly and officially asserted in the Chilean Congress that these military impositions have furnished a surplus beyond the cost of maintaining its armies of occupation. The annexation of Tarapaca, which, under proper administration, would yield annually a sufficient sum to pay a large indemnity, seems to us inconsistent with the execution of justice."

These were the instructions with which Mr. Trescot came to Lima in December, 1881. Mr. Hurlbut's active proceedings, in the meantime, had produced no other result than the acquisition of the certainty that Chile would only listen to peace negotiations based upon the unconditional cession of the whole of Tarapaca and the occupation of the territory of Tacna and Arica for at least ten years, with Peru's obligation to pay \$20,000,000 previous to its reoccupation by her, and further that Arica should not be fortified.

A few days after taking cognizance of all this Mr. Trescot left for Santiago.

All his efforts failed to produce the slightest effect on the Chilean Government; he was unable to obtain a single concession, and when he insisted with increased warmth on the necessity of renouncing the *sine qua non* condition of territorial cession, he had to endure the humiliating announcement on the part of the Chilean Minister of Foreign Affairs "that he was ignorant of the fact that his instructions had been modified." In fact, Mr. Blaine having been replaced by

Mr. Frelinghuysen on the 1st of January, 1882, a change had occurred in the policy to be observed regarding the Pacific conflict, in the sense that will be explained further on, and without it having been cabled to Mr. Trescot.

In reference to this, Mr. Trescot wrote to Mr. Frelinghuysen, from Viña del Mar, Chile, on the 3d of February, 1882, an official note containing the following paragraphs:

"In my last interview with the Minister of Foreign Affairs he said, 'your instructions from Mr. Blaine have been published and others are on their way to you, modifying your original instructions in very important particulars,' and then he proceeded, at some length, to explain what he considered to be the advantages of the condition of things under the new instructions. I said to him: 'That may all be so, Mr. Secretary, but I think that a diplomatist of ordinary experience would conclude, on learning that his instructions had been communicated to the government with which he is negotiating before receiving them himself, that it is time for him to be silent until he does receive them.'"

Mortified, disappointed and contemplating the absolute failure of his mission, he ended by eventually accepting Chile's conditions as the basis of mediation, and he signed a protocol to this effect on the 2d of February, 1882, at Viña del Mar, together with Mr. José Manuel Balmaceda, the Chilean Minister of Foreign Affairs.

This unpremeditated step of Mr. Trescot produced no result. As soon as Mr. Frelinghuysen became acquainted with the terms of the protocol he sent a cablegram on the 7th of February, disapproving what had been done and qualifying Chile's conditions as exorbitant, and stated: "That the United States only proposed to give counsel and aid to Chile in any negotiation which that country might desire to make; that Chile must herself determine whether or not she will accept such aid, but that, in no event must she exact the surrender of Tarapaca, and a further indemnity of twenty millions, as such a demand is considered *exorbitant*. The opportunity had arrived for Chile to show herself just and magnanimous."

Mr. Trescot, in his telegraphic reply, confines himself to

saying: "Chile will not modify peace terms, alleging that, in deference to the United States, they are better than those offered at Arica and Lima. Terms are extreme, but Chile is so strong and Peru so weak that mere friendly intervention will not have any effect. Telegraph at once definite instructions what to say and what to do. No use remaining here. Shall I go to Peru and to Bolivia?"

Urged again by Mr. Frelinghuysen to make renewed efforts to obtain peace from the Chilean Government without the dismemberment of the Peruvian territory, he sent the following telegraphic reply on March 4th, 1882:

"Instructions carried out scrupulously. Chile will not modify peace terms. Publication of my instructions and my confidential telegram. Presence at Washington with information will be more useful than remaining here. What communication of intention of United States shall be made to Peru and Bolivia?"

After this diplomatic failure he came to Peru, where he arrived in time to attend the funeral of Mr. Hurlbut, who died suddenly on March 27th, 1882.

Thus ended the good offices of the United States Special Envoy to the Pacific.

Mr. Trescot in May, 1882, insisted again on returning home, and immediately that he received leave he left Lima for Washington, with the conviction of the utter uselessness of all amicable interference and that only armed intervention could have any weight with Chile and could lead to a practical result in the direction of the desired end, *i. e.*, peace without the cession of territory.

As General Kilpatrick had already died at Santiago and the American Legation in Bolivia was vacant since the retirement of General Adams, the United States were without diplomatic representation in the Pacific, and the second attempt at mediation ended in this most deplorable and prejudicial manner for Peru.

In truth, Peru, confiding in the promises and protestations of the friendly mediating mission, sent *ex professo* with a view to attenuate her misfortunes, uselessly prolonged the

resistance, and thus aggravated her position in the face of her triumphant enemy.

This was the end, and with every propriety, may we say, the tragic end of the second mediation planned by the great Secretary of State, Mr. Blaine.

President Garfield died on the 19th of September at the hands of a treacherous assassin, and a few months afterward, as we have said, Messrs. Kilpatrick and Hurlbut died suddenly at their posts.

Mr. Trescot returned to Washington, and from there on the 5th of June, 1882, he addressed an official note to Mr. Frelinghuysen, in which he wrote as follows:

"If the United States intend to intervene effectively to prevent the distintegration of Peru the time has come when that intention should be avowed. If it does not intend to do so, still more urgent is the necessity that Chile and Peru should understand exactly where the action of the United States ends. It would be entirely beyond my duty to discuss the character of the consequences of either line of conduct, but I trust that you will not deem that I am going beyond that duty in impressing upon the Government that the present position of the United States is an embarrassment to all the belligerents, and that it should be terminated as promptly as possible.

"There is another conviction which it is clearly my duty to express. I believe that whenever the United States formally withdraw from further intervention, Peru will apply to the European Powers, and that a joint intervention of two or more is probable. It is not for me to anticipate what view the Department will take of such a possibility."

THE MEDIATION OF THE UNITED STATES

FOURTH PERIOD

This series of tragic circumstances left President Chester A. Arthur and his Secretary of State, Mr. Frelinghuysen, in complete liberty to inaugurate their new policy in the Pacific, with absolute independence and with new agents.

It is sad to have to declare that this third attempt at mediation was still more disastrous in its results for Peru.

If the choice of the agents was unfortunate, as the reader will see further on, much more so was the new policy of concord which Mr. Frelinghuysen decided to adopt.

The new policy was preceded by an official declaration stating that, in no case, would it go beyond the offering of its good offices. This could not possibly have but a negative result, expose the mediator to Chile's contempt and seriously reduce the influence of the United States in this part of the continent and her moral prestige in the face of all the nations of the earth.

The instructions given to the new American Commissioners did not include the declarations contained in those dictated by Mr. Blaine, a year previously, proclaiming that the United States were opposed to Chile's annexation of Peruvian territory, so long as Peru was able to pay an equitable pecuniary indemnity.

Very different were the terms in which the instructions given to the new Commissioners, on the 25th of June, 1882, were couched, for they accepted the cession of territory as the basis of future negotiations.

Dr. Cornelius A. Logan, who was appointed Chief of the Commission, and to whom the representation in Chile was entrusted, was told to throw the whole weight of the moral influence of the United States into the balance, to induce Chile to settle the difficulty "by such moderation in her demands as you may be able to bring about. * * * Your efforts, therefore, must be directed toward earning for Peru as large a part of these provinces and as large a money indemnity as possible for whatever territory may be retained by Chile." These instructions ended with the following recommendation: "If the Government is unwilling to listen to the preliminary offers (of Mr. Logan) and is opposed to moderation, the fact ought to be communicated to the Secretary of State, and if President Arthur orders your return to Washington in consequence, you must notify the Chilean Government that "the Government of the United States has exhausted its endeavors at mediation."

Mr. James R. Partridge, the representative in Peru, to whom a rôle of secondary importance was assigned, was instructed to say to that country: "Unless Peru consents to negotiate on the basis of a surrender of territory, the United States are powerless to help her.

"If Peru consents to negotiate on the basis of a cession of territory, you will acquaint President Montero's government generally with the fact that Mr. Logan is instructed in that event to secure from Chile the most favorable terms which the moral influence of the United States can obtain." In fulfilment of his mission he received definite orders to proceed to Arequipa and present his credentials to the national Government of Peru, established at that city since the occupation of the capital by the invading army.

Mr. Manney's instructions, dated June 26th, 1882, were limited to a simple announcement that Messrs. Logan and Partridge had orders to make a new effort in behalf of peace and that, in the event of their considering the presence of Bolivia necessary, he should act under the direction of his colleagues.

It is incomprehensible how Mr. Frelinghuysen could adopt such a course, after all that had occurred at Arica, and the experience acquired during the negotiations directed by Mr. Blaine.

This is still more inexplicable, if we bear in mind that Mr. Trescot, thoroughly disappointed, arrived at Washington on June 5th, 1882, and as, as it is natural to suppose, the instructions dated the 25th and 26th of the same month were given after the Department of State had heard, from the mouth of its Special Envoy, the sad and total failure of his mission.

It was most easy to foresee the result, and this policy was stigmatized by the United States press, with more than sufficient reason—a missionary policy.

As it will be remembered, Chile, at the beginning of the war, declared in official documents that her intention was not to make conquests, and further on, that all she pretended was an indemnity for the war expenses. Mr. Garfield and his Sec-

retary of State, Mr. Blaine, taking note of this, instructed Mr. Trescot to expressly state to Peru that the United States were disposed to help her to preserve her territorial integrity, always provided that she were able to pay an adequate pecuniary indemnity.

As it was natural to suppose, the Government of Peru devoted almost the whole of its attention to the securing of funds, and having been successful, through a contract made with the French Financial Association *Crédit Industrielle* to enable it to offer \$75,000,000 gold, it gave cognizance of this fact to Mr. Logan. (Instructions given by Dr. Francisco Calderon, President of Peru, and a prisoner in Chile, to Mr. Logan, for the negotiations of peace.)

Chile, on learning this, repented her declaration that she did not exact the cession of territory and refused all discussion on the basis of a monetary indemnity and insisted upon the *sine qua non* condition of a cession of territory, and Mr. Logan, unable to obtain any modification whatever, concluded by accepting the Chilean imposition as the basis of mediation.

Thus Mr. Logan, at the instigation of the Chilean Minister of Foreign Affairs, addressed a note to the Peruvian Government (Mr. Logan's letter to President Montero, dated Santiago, November 13th, 1882) recommending and urging the acceptance of the new conditions of peace, as dictated by Chile—the unconditional cession of Tarapaca and the sale of the provinces of Tacna and Arica for ten million soles; and which terms were even more onerous than those rejected a few months ago by Mr. Frelinghuysen, and qualified by him as exorbitant. As was to be presumed, the Secretary of State, on being informed of this, disapproved of the same, *this solution not being reasonably satisfactory*; which is to be seen from the respective cablegram of January 5th, 1883, ordering him to acquaint his Lima colleague, Mr. Partridge, with the said disapproval.

In spite of this admonition, Mr. Logan pressed the Peruvian Government to accept these conditions of peace, to which effect he transmitted Chile's threats to continue the destruction of Peruvian towns and the involving of the country in a new civil war if they were not accepted, thus facil-

itating the establishing of a fresh government in Peru, in opposition to the established one recognized by the United States, as in reality did come to pass. Mr. Logan's conduct as mediator assumed so favorable a character for Chile that, his good offices being declined by Peru, in accordance with the counsels of Mr. Partridge, the United States Minister at Lima, the President of Chile refused to reopen the negotiations of peace, unless Mr. Logan were the intermediary, as is to be gathered from the following correspondence.

Extract from the letter addressed by the President of Peru, Dr. Garcia Calderon, whilst a prisoner in Chile, to Mr. James R. Partridge, dated at Valparaiso on February 24th, 1883:

"Mr. Logan gave me written explanations I could not accept; and before I was able to answer him, he invited me to fresh interviews, stating *that only through his medium could peace be made*. I then answered him with a refusal of his mediation; and I, at the same time, wrote to the Peruvian Minister in the United States, telling him to state to the American Government that Mr. Logan's irregular proceedings had compelled me to prescind from him; but that this did not mean a refusal of the United States mediation."

Mr. Partridge's letter to Dr. Garcia Calderon, dated Lima, March 7th, 1883, in answer to the foregoing:

"As the mail closes in a few minutes, I have only time to acknowledge their receipt and to say to you that I hope you will insist and persist in your own negotiations *direct with the President of Chile and without the mediation of anybody*.

"It is clear to me that any mediation just now, by anybody, would only tend to render more difficult any settlement of terms of peace."

Letter from Dr. Garcia Calderon to Mr. Partridge:

"VALPARAISO, May 3d, 1883.

"MR. JAMES L. PARTRIDGE, Lima.

"ESTEEMED SIR: I had the pleasure of writing to you on the 24th of February last, explaining the motives for my refusal of a personal interview with Dr. Cornelius A. Logan, in reference to the questions existing between Peru and Chile, and I told you that this Government had since insisted on a renewal of my relations with Mr. Logan and that I, having refused, it has no longer continued to insist.

"This discontinued insistence led me to understand that Mr. Santa María (the President of Chile) would continue his negotiations direct with me, which, however, has not been the case. In his interviews with Mr. José Antonio Lavalle, who has left for Lima, as the agent of General Iglesias, he has told the latter gentleman that he is resolved to protect that revolutionary chief, and to treat with him, after his acknowledgment by the Peruvian nation. And, amongst his motives for pursuing this line of conduct, is, as a *sine qua non condition, the readmission of Mr. Logan*; and I, not having accepted that condition, he was no longer disposed to treat with me.

"Mr. Lavalle, with the authorization of Mr. Santa María, has informed me of this.

"And as you, in your letter addressed to Mr..... expressed your wish to be informed of this as soon as it became a fact, I now fulfill the duty of advising you of the same.

"With feelings of esteem and appreciation,

"I have the honor to be your obedient servant,

(Signed)

"GARCIA CALDERON."

Mr. Partridge, who up to then had remained stationary at Lima, disobeying definite orders given him by the Secretary of State that he should remove his quarters to Arequipa, where the Peruvian Government was established, and once there to declare the new policy that had been adopted, considered the act of Mr. Logan in addressing himself direct to Admiral Montero as an encroachment upon his diplomatic jurisdiction, the more so since in his instructions he was told that, in the event of Mr. Logan esteeming it convenient to take some direct step in regard to the Government of Peru, "he is directed always to avail himself of your intermediary service," suddenly awoke from his stupor and protested against the proceeding in numerous official and private dispatches addressed by him to the Department of State and, not content with this, declared to his Government that he esteemed it his duty to recommend desistance from all further diplomatic action in the Pacific, on account of the supposed discredit that had been thereby brought upon his country.

Influenced by these sentiments and feeling the inefficacy of a simple amicable intervention of the United States, he, on January 16th, 1883, called a meeting at his house of the diplomatic representatives of Great Britain, France and Italy

(the German Minister declined the invitation and the Spanish Minister, Mr. Vallez, was omitted, he being, by order of his Government, engaged at the time in negotiating the basis of a definite treaty of peace with the Chilean authorities at Lima, in connection with the war of 1865).

The object of the meeting, as announced by Mr. Partridge, was to shape a memorial to their respective Governments, explaining to them the urgency of a prompt solution of the Pacific conflict through the medium of their common action. The proposal meeting with a ready acceptance, the wording of the document was entrusted to the Marquis de Tallenay, Minister for France, and at the second meeting, which occurred a few days later, on January 22d, it was signed by all.

Mr. Frelinghuysen's reception and disapproval of this singular document was one sole act.

On February 27th, 1883, he sent the following dispatch to Mr. Partridge:

"Your proceeding of January 22d was unauthorized and is disapproved. Respectfully inform your diplomatic colleagues on that occasion of this."

He was at the same time ordered by letter to return to the United States and, after respectfully communicating with his colleagues, he embarked at Callao on March 24th, thus ending his mission to Peru. He presented himself in May at the Department of State at Washington, resigned his fruitless mission and left immediately afterward for Europe, where he put an end to his life before the expiration of a year, committing suicide at Alicante, Spain, on February 25th, 1884.

Thus ended Mr. Frelinghuysen's efforts in behalf of peace, efforts exclusively based on the efficacy of the *moral action* of the United States. He saw himself compelled to disapprove and censure the proceedings of his two principal agents, which proceedings, though different in character to those of their predecessors, Messrs. Kilpatrick and Hurlbut, ended, like theirs, in discord between the coöperating agents. Even Mr. Manney, the modest Minister at La Paz, was not saved from the fate of his two collaborators, but was equally deposed, it being considered that he had failed to exercise

the necessary moral pressure, though his instructions were "to do whatever may be advised by Mr. Logan or Mr. Partridge, or both, *and to take no steps until so requested.*"

This is the sad history (sad, in so far as Peru is concerned) of the friendly intervention of the United States during the long term of five years, which for the Peruvian fatherland were years of devastation and ruin, and from the terrible consequences of which she has not even yet been able completely to recover.

"This most singular policy of the United States," says Sr. Garland, "which in our opinion is in complete opposition to her decorum and prestige, and incompatible with her rôle in this continent, and which in justice becomes her as the most powerful nation, is altogether incomprehensible to us Peruvians.

"It was incumbent upon the great nation that styles herself the guardian of republican institutions in this continent, that considers herself virtually responsible before the world for the future of the rest of American countries that, following her example, freed themselves from the yoke of the mother country and became independent; the nation that, after having established the Monroe Doctrine as the fundamental principle governing her international policy, extended it to the point of excluding the European Powers from all intervention in questions affecting American politics—it was the duty of that great nation to take a very different stand in the Pacific question."

In treating this question, the distinguished writer and juriconsult, Dr. Alberto Elmore, Justice of the Supreme Court of Peru, in his important essay on the doctrine of International Intervention, says:

"The positive, protective and general character which the Monroe Doctrine is assuming is a consequence of its natural development; only thus is it efficient for the defense of the essential and common rights of the American nations; only thus is it a reality, for in order to condemn spoliation it makes no distinction as to the author; only with these conditions is it possible to prevent oppressed justice from seeking help from countries on the other side of the ocean.

"It has been already proved that International Law authorizes intervention within certain limits for the protection of the rights of another State, or of the outraged rights of humanity. * * * Right and might are the two necessary conditions that alone can render intervention real and legitimately effective, as is the case in all juridical matters. Now, the great Republic holds in America a specially prominent position, such as no European nation standing alone holds in the European continent; she holds a position in the balance of power, so predominant that she can stand up alone as the defender and guarantor of international right, deserving the praise spoken by Tacitus of one of the Germanic peoples, *i. e.*, the chief evidence of her virtue and power is—that, being the first, she has never done an injustice.

"Finally, the Monroe Doctrine, in its primitive form, is but the application of International Law to the American Republics but, in its latest evolution, it signifies a political system which, to secure scientific support, must be subordinate to those very precepts which constitute International Justice and which are binding on all nations. Thus scientific principles, universal by nature, are reconcilable with the necessities and special conditions of America, the sovereignty, rights and interests of the American peoples and those on the other side of the ocean being made harmonious with those of the Great Republic—a grand mission which can and must be uninterested; a rule whose recompense is in itself, not the absorbing and unsafe Roman rule, but a dominion, simply moderative and international, yet more solid and durable, founded on justice and the respect that is due to different sovereignties, and subject to the responsibilities and limitation of a universally acknowledged equilibrium."

The unfortunate, vacillating and contradictory policy of the United States only defeated its own ends.

We perfectly understand that the fear of being accused of abusing her power was the direct reason for this most singular policy.

Another circumstance that greatly contributed toward its adoption was, that during the culminating period of the

struggle, the United States was successively governed by three different Presidents, Messrs. Hayes, Garfield and Arthur, each one with a different Secretary of State.

But it is impossible to overlook the fact, however painful it may be, that the consequence was in a certain measure fatal to the prestige and moral influence of the United States in Latin America, and a proof of this was the attitude of Chile toward the United States in 1891.

Chile took advantage at the beginning of the war of the friendly mediation of the United States in order to arrange her differences with the Argentine Republic, and thus having removed all fear of hostilities from that quarter, she was at liberty to employ the whole of her military and naval forces against Peru. The note of thanks addressed by the Chilean Foreign Minister to the Minister of the United States at Santiago on July 22d, 1881, and the one addressed by the Chilean Plenipotentiary at Washington to the Secretary of State by order of his Government, shows the importance of the advantage obtained by Chile through the avoidance of a disastrous war with Argentina and the magnitude of the harm done indirectly to Peru through this plausible conduct of the United States in Chile's favor. Having secured this result, Chile used the mediation in order to forestall any European intervention, and thus to have it in her power to despoil and subdue her adversaries.

The good offices of the United States, as we have seen, only served to encourage Peru to resist and prolong the war, thus greatly aggravating her condition as the vanquished nation, and deprived of the friendly intervention of the European Powers, who, having interests at stake, were eager to lessen somewhat the severity of the conditions of peace.

Señor Alejandro Garland, who has been freely quoted, ends his notes on the mediation of the United States with the following excerpt from one of Mr. Hurlbut's last letters to Secretary Blaine:

"If the United States, after denying to these people every application for aid from any European state, shall themselves refuse any help in their desperate situation, it would seem to be almost a breach of national faith. I myself am a profound

believer in the right and duty of the United States to control the political questions of this continent, to the exclusion of any and all European dictation; this I believe I understand to be the opinion held also by the American people and to have been asserted by Congress. This I also understand to be the doctrine of the administration which sent me to this place."

And he adds: "Peru deplores the fatal consequences of the interference of the United States in her struggle with Chile; but she does not, on that account, deny the noble intentions which induced that country to offer her mediation."

The Presidents of the United States were, in fact, prompted by the most noble and unselfish motives, their Secretaries of State acted in a spirit of friendliness to the three belligerents; but, as one of the great daily papers said a few days ago when commenting upon the present attitude of Chile in reference to Peru and Bolivia and to the proposed Pan-American Congress at the City of Mexico: "It would be a great pity to again concur in the same mistaken policy, and not to make real and effective the peace and harmony of the continent, which it is in a measure our duty to uphold."

THE TREATY OF PEACE

October 20th, 1883

Chile was now free; her diplomacy had successfully baffled every attempt at mediation or interference that had been made; she could now deal with her victims as she pleased. Since the outbreak of the war there had been three distinct convocations to an International Congress, none of which was held, because it was to Chile's interest that there should be no such conference until after she had accomplished her policy of territorial aggrandizement. In like manner she had shuffled five or six propositions of foreign mediation. The two most formidable opponents to Chile, Argentine and the United States of North America, had practically ac-

quiesced in granting to the victor the right of conquest. The voice of America was not heard, there was only Venezuela who raised a protest, the rest were either dumbfounded, or the clamor of Chile's shouts of victory drowned their own voices; anyhow, America was silent and the allies were left alone to their destiny.

Peru, the long coveted prey, lay at last powerless at her feet. It was not a question of a money indemnity; Chile had all the money which she needed, she had already drawn every available cent from Peru, and had seized everything that was worth seizing from Bolivia. She now wanted the soil, with all its visible and also with all its hidden treasures. She wanted to stamp out of existence every tradition of American fraternity; mutual respect of the titles obtained, by the common effort of all, in the struggle for independence was now a dead letter. Everything had to give way to her new international policy. She had made territorial cessions a *sine qua non* condition of peace. She declared that on it rested her future security and the eventual peace of the continent. And she had her way. There was no one to oppose her, none to raise an objection.

Tarapaca, the El Dorado, the land of nitrate and guano, was to be the price of peace; and so it came to pass that, for the first time in the history of the Latin-American nations, the principle of conquest and land-grabbing was sanctioned.

In order to carry this out it was necessary to organize a government in Peru, willing to undertake its share of the business.

Chile had already, as has been shown, sown the seed of discord and revolution in Peru; it was now her duty to bring out of this chaos a government. General Miguel Iglesias, considering that he was rendering his country a great service, offered himself as the instrument to carry out the wishes of Chile. Propped up by Chile he organized a government after having promised to submit to the Chilean terms.

On the 20th of October, 1883, at Ancon, a summer resort to the north of Lima, the Plenipotentiaries of Chile and Peru signed the treaty of peace and friendship.

Peru had no actual hand in its preparation, it was the

imposition of the conqueror. It is, therefore, the more remarkable that eighteen years later, the only part thereof which has been complied with is the one referring to such territorial cessions as were made by Peru; while the one clause which could be construed as in some measure equitable to both parties (Clause III) has not been fulfilled through Chile's deliberate bad faith, as will be shown later on in these pages.

The following is the text of the treaty:

"The Republic of Chile on the one part and the Republic of Peru on the other, being desirous of reinstating relations of friendship between both countries, have resolved upon celebrating a treaty of peace and friendship, and for the purpose have named and deputed as their Plenipotentiaries the following: His Excellency the President of the Republic of Chile appoints Don Jovino Novoa, and his Excellency the President of the Republic of Peru, Don José Antonio Lavalle, minister of foreign relations, and Don Mariano Castro Zaldivar, who, after communicating their credentials and having found them to be in proper and due form, have agreed to the following articles:

"ARTICLE 1. The relations of peace and friendship between the Republics of Chile and Peru to be reestablished.

"ART. 2. The Republic of Peru cedes to the Republic of Chile in perpetuity and unconditionally the territory of the littoral province of Tarapaca, the boundaries of which are, on the north the ravine and River Camarones, on the south the ravine and River Low, on the east the Republic of Bolivia, and on the west the Pacific Ocean.

"ART. 3. The territory of the province of Tacna and Arica, bounded on the north by the River Sama from its source in the Cordilleras on the frontier of Bolivia to its mouth at the sea, on the south by the ravine and River Camarones, on the east by the Republic of Bolivia, and on the west by the Pacific Ocean, shall continue in the possession of Chile subject to Chilean laws and authority during a period of ten years, to be reckoned from the date of the ratification of the present treaty of peace.

"After the expiration of that term a plebiscitum will de-

cide by popular vote whether the territories of the above-mentioned provinces will remain definitely under the dominion and sovereignty of Chile or continue to form part of Peru. Either of the two countries to which the provinces of Tacna and Arica may remain annexed will pay to the other ten millions of Chile silver dollars or Peruvian soles of the same weight and fineness.

“A special protocol, which will be considered as an integral portion of the present treaty, will prescribe the manner in which the plebiscitum is to be carried out, and the terms and time for the payment of the ten millions by the nation which may remain in possession of the provinces of Tacna and Arica.

“ART 4. In compliance with the stipulations of the supreme decree of February 9th, 1882, by which the Government of Chile ordered the sale of one million tons of guano, the net proceeds of which, after deducting the expenses and other disbursements, as referred to in Article 13 of said decree, to be divided in equal parts between the Government of Chile and those creditors of Peru whose claims appear to be guaranteed by lien on the guano. After the sale of the million tons of guano has been effected, referred to in the previous paragraph, the Government of Chile will continue paying over to the Peruvian creditors 50 per cent. of the net proceeds of guano, as stipulated in the above-mentioned Article 13, until the extinction of the debt or the exhaustion of the deposits now being worked.

“The proceeds of deposits or beds that may be hereafter discovered in the territories that have been ceded will belong exclusively to Chile.

“ART. 5. If, in the territories that remain in possession of Peru, there should be discovered deposits or beds of guano, in order to avoid competition in the sale of the article by the Governments of Chile and Peru, the two Governments, by mutual agreement, will first determine the proportion and conditions to which each of them binds itself in the disposal of the said fertilizer.

“The stipulations in the preceding paragraph will also be binding in regard to the existing guano now known and

which may remain over in the Lobos Islands when the time comes for delivering up these islands to the Government of Peru, in conformity with the terms of the ninth Article of the present treaty.

“ART. 6. The Peruvian creditors, to whom may be awarded the proceeds stipulated in Article 4, must submit themselves, in proving their titles and in other procedures, to the regulations stated in the supreme decree of February 9th, 1882.

“ART. 7. The obligation which the Government of Chile accepts, in accordance with the fourth Article, to deliver over 50 per cent. of the net proceeds of guano from the deposits now actually being worked, will be carried out whether the work be done by virtue of the existing contract for the sale of one million tons or through any other contract, or on account of the Government of Chile.

“ART. 8. Beyond the stipulations contained in the preceding articles, and the obligations that the Chilean Government has voluntarily accepted in the supreme decree of March 28th, 1882, which relates to the saltpetre works in Tarapaca, the said Government of Chile will recognize no debts, whatever their nature or source, that will affect the new territories acquired by virtue of this treaty.

“ART. 9. The Lobos Islands will remain under the administration of the Government of Chile until the completion of the excavation from existing deposits of the million tons of guano, in conformity with Articles 4 and 7. After this they will be returned to Peru.

“ART. 10. The Government of Chile declares that it will cede to Peru, to commence from the date of the constitutional ratification and exchange of the present treaty, the fifty per centum pertaining to Chile from the proceeds of the guano of the Lobos Islands.

“ART. 11. Pending a special treaty to be entered upon, mercantile relations shall be maintained on the same footing as before April 5th, 1879.

“ART. 12. Indemnities due by Peru to Chileans, who may have suffered damages on account of the war, will be adjudged by a tribunal of arbitration or mixed international

commission, to be appointed immediately after the ratification of the present treaty, in the manner established by conventions recently adjusted between Chile and the Governments of England, France and Italy.

“ART. 13. The contracting Governments recognize and accept the validity of all administrative and judicial acts during the occupation of Peru arising from the martial jurisdiction exercised by the Government of Chile.

“ART. 14. The present treaty to be ratified and the ratifications exchanged in the city of Lima, so soon as possible during a period not exceeding one hundred and sixty days to be reckoned from this date.

“In testimony whereof the several Plenipotentiaries have signed this in duplicate and affixed their private seals.

“Done in Lima the 20th day of October, in the year of our Lord one thousand eight hundred and eighty-three.

“[L.S.] JOVINO NOVOA,

“[L.S.] J. A. DE LAVALLE,

“[L.S.] MARIANO CASTRO ZALDIVAR.”

On the 28th of March, 1884, the treaty having been previously ratified by the Chilean Congress and by the Peruvian National Assembly, the treaty of Ancon was duly exchanged at Lima. And thus, after five years, peace was restored in South America.

CLAUSE III

By the treaty of peace friendly intercourse was resumed between Chile and Peru, and it was hoped that it would be of a lasting nature. By the terms of the treaty, Peru delivered to Chile in perpetuity the whole of the province of Tarapaca, with its enormous nitrate and mineral resources.

Article 3 of this treaty stipulates that the provinces of Tacna and Arica shall be held by Chile for a term of ten years, at the expiration of which a plebiscite shall determine their future status, and that the country in whose favor the plebiscite results shall pay unto the other ten million dollars in Chilean or Peruvian currency, as the case may be; an additional

protocol will establish the manner and form in which the plebiscitum should be taken and how the payment of the \$10,000,000 should be made.

This treaty was ratified and exchanged on the 28th of March, 1884; therefore, on March 28th, 1894, the term of Chilean legal domination came to an end. From thence, and until now, the occupancy of the territories mentioned is technically illegal and constitutes a violation of the treaty of peace. The Peruvian Government has been untiring in its constant efforts to reach a solution of the difficulty, but unfortunately the Government of Chile has not met it in the same spirit.

From the very day on which Peru signed the treaty, and until the present day, the attitude of her people and the desire of the different administrations which have been in office have been one and the same on this question, namely: The reincorporation of the two provinces with the fatherland.

Chile, on the other hand, has not had a definite policy; she does not seem to have known her own mind, but anyhow she has managed to keep the question open because it has suited her purpose to do so, until at last she has awakened to the desire of keeping it, irrespective of treaty obligations.

Although, according to the tenor of the treaty, Chile might hope to acquire the territory of Tacna and Arica by means of the plebiscitum, the truth is that her pretensions only arose at the eleventh hour, because neither at the time of signing the treaty nor ten years later did the Chilean Government imagine for a single moment that the said provinces would be finally annexed to their territory.

Clause III was never interpreted to signify a further cession of territory to Chile, because had it been so peace would have been impossible. During the whole course of the war Peru strenuously resisted against the dismemberment of the national territory. And only when she was convinced that there would not be any outside aid forthcoming, and when her successive governments that had attempted reaching peace without the loss of territory had been practically disbanded, she resigned herself to the inevitable and ceded

Tarapaca with all its wealth, believing that in so doing she more than paid the price of peace, and surrendered the nitrate resources which constituted the object of the war which Chile had waged on her.

A fresh cession of territory was never contemplated or even thought possible, not even by Iglesias, who in order to restore peace to the country had accepted it at such a price.

Señor Luis Aldunate, one of the authors of the Treaty of Ancon, Minister of Foreign Affairs in Chile and later on Delegate at Lima, is very explicit on this point, and in his report to the Chilean Congress he says:

“With staunch tenacity the Peruvian Commissioners eliminated, before all, the idea of leaving said territory in possession of Chile, and as a pledge, until the full payment of the indemnity of twenty million pesos which was demanded.

“With even firmer resolve they strenuously rejected *in limine* the proposition to sell outright the said territory to Chile.

“It was not that the Peruvian Commissioners vinctulated their obstinate refusal with ideas or aims of personal vanity or selfishness. On the contrary, they declared themselves ready to accept every possible sacrifice of the interests of their country, as also of their own name and their responsibility before history and their nation. But, in their eagerness on behalf of peace, they did not wish to do anything which might take us further away, instead of bringing us nearer to the end in view, they being convinced that there would not be found any government in Peru which would make acceptable any treaty which, either directly or indirectly, should extend the mutilation of the national territory one inch beyond the territory of Tarapaca. Any treaty which should overstep these extreme limits could not, in the opinion of the Peruvian Commissioners, but serve to help, encourage and give life to the several parties in arms which were raising the standard of perpetual and unrelenting war.”

And further on he adds:

“It has already been seen to what extent the so-called

Provisional President of Peru, Garcia Calderon, carried his inflexible opposition during the course of the negotiations which were commenced in September of 1882, through the mediation of the United States, in accepting any proposition having reference with the cession, sale or retention by Chile of the territory of Tacna and Arica."

Besides, Chile only once, and that incidentally, formulated the condition of acquiring Tacna and Arica. Since 1880 and until 1883 her utterances were quite clear and precise on this point; on each and every occasion it was a question of *simple retention*, as a sort of guarantee for the payment of a sum of money, and, above all, in order to make certain that the treaty of Ancon would be upheld and complied with.

Señor Aldunate further states, that "in view of these precedents, the policy of our foreign office in reference to this serious matter had been *reiteratedly traced and previously indicated* at the time of undertaking the negotiations which have culminated in the treaty signed at Ancon, on the 20th of October last. If it was possible for the Government to introduce considerable modifications in form and even in substance, in the clauses of the treaty of peace, it would be, in any case, in exchange for maintaining and respecting the most substantive and culminating portions of the proposed bases, included on three consecutive occasions, viz., 1880, 1881 and 1882."

The truth of the question is that when Iglesias' government was constituted all the Chilean diplomats were perfectly aware that to demand the cession of Tacna and Arica meant the destruction of every prospect of peace. They also knew that to propose its sale was out of the question; they therefore were obliged to find a middle course which would meet the Peruvian objections and satisfy their own demand for a cash indemnity which Peru could not pay. And this middle course was the now famous Clause III of the treaty of peace.

Señor Jovino Novoa, the Chilean Plenipotentiary, who signed this treaty, declared to his Peruvian colleagues, as stated by Señor Larrabure y Unanue, Minister of Foreign Affairs of Peru under Iglesias, "*that Chile had absolutely no*

idea of retaining the said provinces beyond the stipulated time; that even to suppose such a thing was an offense against the uprightness of his country and its unquestioned respect for and love of justice." He interpreted this clause simply as a guarantee for the fulfillment of the treaty. And in this spirit it was accepted by Peru. In 1883 it would have seemed absurd to conceive that Chile had imposed Clause III with the intention of finally annexing Tacna and Arica. In the first place, the population of the said territory was then, as it is at the present date, entirely Peruvian. Señor Abraham König, a Chilean Senator and diplomatist, reckoned in 1899 that the Chilean voters at a plebiscitum would number some 402 and those of other nations, not Peruvian, 400. What would it then have been in 1883 when there was scarcely a Chilean resident? At that time no one imagined that any but Peruvians could decide of the future nationality of Tacna and Arica. Besides, Chile had not yet considered what course she should take. Tarapaca was her only thought; the other territory was of no account because it was of no value, it had not even value from a military or strategical point of view as is assigned to it to-day.

The foregoing explains how it is that in 1892, when Peru made overtures in view of the approaching expiration of the term of legal occupancy, Chile made no indications of wishing to retain the territory.

Señor Gonzalo Bulnes, the well-known Chilean historian and diplomatist, referring to the question of Tacna and Arica, says: "In 1892 our legation at Lima gave no importance to the retention by Chile of Tacna and Arica."

The Chilean Legation at the time alluded to by Bulnes was in charge of Señor Javier Vial Solar, a clever and far-seeing diplomatist, who has published some very interesting reminiscences of his diplomatic experiences in Peru, from which the following are short excerpts:

"That the final possession of the said territory, as seen in its triple aspect of political, military and commercial, was of no such decisive importance to Chile as to render necessary its acquisition at the cost of any sacrifice, however large, and that, therefore, it was not surprising that Chilean diplo-

macy, instead of making the said acquisition an inflexible and fixed point of its action and endeavor, should have tried to take advantage of the pending controversy, and to obtain advantages of a superior and permanent nature, which would assure for all time the political and commercial preponderance of Chile in the Pacific."

We abstain from judging the morality of the diplomacy to which Señor Vial Solar alludes, and who, with machiavellic freedom, presents his nation as utilizing solemn treaties in obtaining a political and commercial preponderance. Because for our present purpose the statements of Señor Vial Solar suffice to prove that from 1883 until 1892 the acquisition of our provinces had not been thought of by Chile, and that, therefore, Clause III of the treaty of Ancon cannot be made to signify that there was ever a thought of Peru renouncing her claims on said territory.

The clause was certainly badly drafted; it could not be otherwise, because it was virtually written with Chile's conquering sword. On the strength of its wording Chile invokes her right to expectancies which certainly cannot be denied her, but such expectancies as she has emanate solely from the wording of the clause containing them and not from any right or aspiration arising from the spirit of the treaty. If we were to abide by the spirit, Chile should have to accede to the conventional formula of a Peruvian plebiscitum, as the simple manner of giving an honest and decent appearance to the conveyance of the ten million pesos, the only thing which she purposed acquiring when imposing Clause III.

THE VALUE OF THE ANNEXATION

Tarapaca, the southernmost department of Peru, is situated between $19^{\circ}12'$ and $21^{\circ}28'30''$ south latitude, and between $68^{\circ}15'$ and $70^{\circ}18'$ west longitude from Greenwich. It has an extension of $136\frac{1}{2}$ geographical miles from north to south and 123 miles from east to west, covering an area of $16,789\frac{1}{2}$ square miles.

At the outbreak of the war this vast and excessively rich

department had a total population of some 30,000 inhabitants. The last official census previous to the war (1876) puts the exact Peruvian population at 17,013, while the Chilean residents numbered 9,664. These official figures dispose of the absurd statement which is ever recurring in the Chilean press and official publications to the effect that "Tarapaca was peopled and exploited by Chileans and Chilean capital." It is true that nine-tenths of these Chilean residents were laborers employed in the nitrate industry. They were there because it paid them to be there, as apparently there was no better and more remunerative work for them in Chile.

Now with regard to the capital employed in the extraction of nitrate, we have sufficient official data to establish as an incontrovertible fact that at no time did the Chilean capital engaged in this industry in this territory reach even 25 per cent. of the Peruvian capital.

From 1870 to 1872 the average amount of nitrate produced at the different works in Tarapaca was 400,000 quintals per annum—the per diem production was calculated by experts and set forth in carefully prepared statistics at 6,495 quintals, of which 5,025 corresponded to Peruvian owners and only 190 to Chileans. In 1875, according to Captain George Peacock, pioneer of steam navigation in the Pacific, and a well-known authority on the guano and nitrate resources of Peru, the quantity of nitrate exported from Peruvian ports was over 280,000 tons, and the same authority states in his fifth edition of "The Resources of Peru," London, 1877, that in October of that year there were 70 ships loading nitrate of soda at Iquique and Pisagua.

Mr. Clarke, who was sent out to Peru in 1877 to report upon the resources of Peru, as agent for a committee of Peruvian bondholders, referring to the nitrate wealth of Tarapaca, says: "Salitre, or nitrate of soda, is largely used in the manufacture of saltpetre and for manure. It is found in immense horizontal beds of impregnated earth, which are sometimes found several feet in thickness. The salt is obtained by dissolving it from the earthy admixture and then concentrating it by means of evaporation. *The quantity procurable is practically unlimited.* Estimates have been made by Mr. Markham, an

authority on such matters, of the quantity of nitrate contained in a portion of the district of Pampa de Tamarugal alone. According to his calculations no less than 63,000,000 tons are procurable from a space of 150 square miles in this district. This, be it remembered, is but a very small portion of the entire nitrate supply at the command of Peru. The present market value of nitrate is about sixteen pounds sterling (\$80) per ton, but if only one-half of this were realizable, it will be perceived that in its natural store of nitrate Peru possesses sufficient wealth to pay the whole of its internal and external debt many times over. * * * Iodine, this very valuable metalloid, exists in great abundance in the nitrate beds, and it is being worked successfully."

In 1875 the Government of Peru was authorized to buy up all the nitrate works in Tarapaca and establish a monopoly. The Peruvian engineers who were commissioned to report on the extent and value of these deposits stated that the whole industry was in the hands of private individuals representing eight different nationalities, and that of a total of 15,713 *estacas*, yielding 18,011,800 quintals per annum, Peruvian citizens owned 8,905 *estacas*, whereas only 2,037 *estacas* were owned by Chileans.

In 1878, that is the year before the war, the output of nitrate reached 300,000 tons. It is, therefore, completely untrue that the annexation of Tarapaca was determined in view of the fact, urged with such shameful effrontery even by the Chilean peace commissioners at the Arica Conference, that "this region owed its relative prosperity to Chilean capital and Chilean energy."

This statement has never been allowed to go unanswered, and up to the present no Chilean statesman or writer has been able to present a single proof of its correctness.

But we need not go far to seek the reason for such a preposterous assertion. Chile needed a decent appearance to cover her base motives in regard to the conquest of Tarapaca; she wished to impress upon the rest of the world that the annexation did not mean conquest. She, therefore, had recourse to the subterfuge of declaring *urbi et orbe*, that the actual possession of Tarapaca had virtually taken place long

before the war, from the moment that her capital and her people had developed its resources and given it a new life, which Peruvians, notwithstanding years of unmolested possession, had been unable to give it. The annexation or conquest of Tarapaca was, therefore, declared the outcome of assimilation, a natural evolution brought about by the force of circumstances, unsought by Chile, but accepted by her in view of events over which she had no control. In other words, it was the very natural result of her industrial expansion.

But if such arguments and such sophistry blinded the Chilean people to the extent of making them lose sight of the true facts of the case, they have had no effect on all impartial historians. And as the years roll on and the true nature of Chile's policy becomes more apparent, it is plain to perceive that Tarapaca was not only geographically Peruvian but that it was industriously and commercially Peruvian; that it constituted the richest section of her territory, and that its annexation has been an act of military conquest, exempt from any mitigating or extenuating circumstance whatever.

The enormous value of this conquest has been the subject of a special study by Señor Alejandro Garland, the well-known Peruvian statistician and writer. From a pamphlet which he published in 1900 the following are excerpts:

"These calculations are based on the figures that appear in Chilean official statistics and other public documents.

"The weight of the products is in metric tons and the value in Chilean dollars.

"In accordance with the above, the following is the result as regards nitrate and iodine.

"Exports during the first twenty-one years after the annexation, from 1879 to 1899 (both years inclusive):

Nitrate

Total of exports..... tons	16,391,470
Value of exports.....	\$1,406,741,330
Amount of export duty collected.	557,033,576

Iodine—

Total of exports tons	5,265½
Value of exports	\$115,526,000
Amount of export duty collected.	6,413,840

“According to the surveys which the Chilean Government ordered to be made in 1899, it is proved that the nitrate actually existing in Tarapaca is sufficient to secure the exportation of 1,400,000 tons a year for the next thirty-five years. The exportation in 1898 was 1,294,227 tons, that of 1899, 1,382,019 tons, that of 1900 is estimated at 1,403,000, and that of 1901 at 1,426,000 tons. (See President Errazuriz’s message to the Chilean Congress on June 1st, 1900.)

“With these data as a guide, it is easy to calculate the product that Chile will obtain from the exportation of nitrate and iodine during the next thirty-five years, without the necessity of increasing the present export duties.

“The duties on nitrate amount to \$33.80 and those on iodine to \$1,270 per ton. The value of nitrate may be estimated at \$70 per ton, and that of iodine at \$13,500, and the yearly exportation of this article at 300 tons.

1900 to 1935 (both years included).

Nitrate—

Total of exports tons	49,000,000
Value of exports	\$3,430,000,000
Amount of export duties	1,656,200,000

Iodine—

Total of exports tons	10,500
Value of exports	\$141,750,000
Amount of export duties	13,335,000

TOTALS

1879 to 1935 (including both years).

Nitrate—

Total of exports tons	65,391,470
Total value of exports	\$4,836,741,330
Total amount of export duties	2,213,233,000

Iodine—

Total of exports tons	15,765½
Total value of exports	\$267,276,000
Total amount of export duties	19,748,840

“As is shown by the foregoing, the export duties alone on nitrate and iodine, collected at the custom houses in the annexed territories, will yield over two thousand two hundred and thirty-two millions of Chilean dollars to the Government of that country, as follows:

Export duty on nitrate	\$2,213,233,000
Export duty on iodine	19,748,840
Total	<u>\$2,232,981,840</u>

“To the above must be added

1st.—The product of the sale in England, in 1880, of the nitrate belonging to the Peruvian Nitrate Company, which Chile confiscated, in spite of its being private property	4,265,600
2d.—The product resulting up to date from the sale of nitrate works and beds	24,191,276
3d.—The value of nitrate works and beds not yet sold, now the property of Chile, the value of which is at least	50,000,000
	<u>\$2,311,438,710</u>

“Considering the importance of the nitrate and iodine trade, which amounts to 60 per cent. of the total of Chile’s exports (her exports in 1899 amounted to \$163,106,133, of which \$99,790,000 was nitrate and iodine), it is no exaggeration to presume that 25 per cent. of the total of Chile’s export duties are derived from articles exclusively obtained from the elaboration of nitrate and iodine.

"The import duties collected by Chile in 1898 were \$24,741,462 and somewhat over \$25,000,000 in 1899. Basing our calculations upon previous years, we shall not exceed the mark if we estimate \$24,000,000 as the amount, of which \$6,000,000 per year correspond to the trade in nitrate and iodine, which for the fifty-six years treated of, will amount to \$336,000,000; which, added to the previous figure, gives to the Chilean treasury a total revenue derived from the nitrate and iodine extracted from the conquered territories amounting to the enormous sum of \$2,647,438,710.

"As over 80 per cent. of the above corresponds to the late Peruvian province of Tarapaca, and considering that several of the above amounts relate exclusively to Peru, the part of the above total that corresponds to Peru will amount to at least \$2,135,000,000.

"To the above amount, exclusively derived from the nitrate and iodine trades, has to be added, at the very least, \$75,000,000, resulting from the following items:

"Products of the sales of guano.

"Customs duties collected at all the Peruvian custom houses and in the rest of the territory occupied during the five years of the war.

"The product of the forced contributions and war taxes exacted from Peruvians during that period, and the payment of which was extorted by the imprisonment of the victims.

"The duties collected at the Arica custom house and other contributions received in the provinces of Tacna and Arica during the last sixteen years.

"The \$10,000,000 which, in the most favorable case, Peru will have to pay as a ransom of Tacna and Arica, with the loss of a much greater sum in the opposite case.

"The value of the innumerable objects of art, science and historic worth, both private and public property, taken by the Chileans by the force of arms, and which now adorn their public buildings and grounds.

"It is no exaggeration to estimate the possession of the whole province of Tarapaca, with its railways, moles, buildings and its 50,000 square kilometers of territory, containing

immense wealth as yet unexplored, at \$150,000,000 Chilean money.

"It is evident, therefore, that the war contribution paid by Peru reaches the enormous sum of \$2,350,000,000 Chilean money; and with equal precision we may value Bolivia's contribution at \$650,000,000, giving a grand total of \$3,000,000,000, paid to Chile as the premium of her iniquitous war of conquest.

"The greatest war-indemnity recorded by history was that paid by France to Germany, amounting to 5,000,000,000 francs. The one exacted by Chile amounts to 5,670,000,000 francs, of which Peru's part was 4,440,000,000 francs.

"In France, a rich and powerful country, the indemnity amounted to 131 francs per head of the population; in poor and weakened Peru it amounts to 1,480 francs per head.

"In France the indemnity of 5,000,000,000 francs amounted to less than two years' public expenses; in Peru, with a yearly budget of 30,000,000 francs, it was equal to 148 years' public expenses.

"These figures and comparisons, founded on irrefutable calculations and estimates, give an idea of the magnitude of the indemnity received by Chile. We have deliberately left unconsidered the valuable imports collected by Chile in the fabulously wealthy region of Tarapaca; for as the amount of these imports cover the local administrative expenses with excess, it is justifiable to consider the gross total of the amount produced by the export duties on nitrate and iodine in our valuation, without any deduction for the expenses of collecting. Some persons, judging superficially, perhaps, may consider our calculation exaggerated; we are quite certain, however, that after a little reflection they will be convinced of the contrary. In our opinion, it is only necessary to remember that the annexed territories yield a yearly net revenue of from \$50,000,000 to \$60,000,000 Chilean money, guaranteed for the next 35 years at least, to understand how easy it would be for Chile to obtain a loan of \$1,000,000,000 by giving a mortgage on this revenue, the capital of which would be paid off in the interregnum; add to these \$1,000,000,000, \$600,000,000 already received and the value of all the rest

that Chile would retain, and it will be seen that our valuation is not exaggerated.

"But in order duly to appreciate the full value of the annexed territories to Chile's future, we must take into account the enormous commerce resulting from the exploitation of the mineral wealth of that territory, all of which is for Chile's benefit and which is rapidly converting her into an important maritime nation.

"The Chilean statisticians themselves acknowledge that two-thirds of the whole commerce of their country is due to the enormous exportation of nitrate and iodine. And we, for our part, consider that admission to be thoroughly well founded, for Chile's revenues, during the six successive years previous to the war, amounted, on an average, to \$15,000,000 annually and, according to President Errazuriz's last message, on June 1st, 1900, to the Chilean Congress, the last year's receipts amount to \$109,355,386, which is equal to the unprecedented sum of \$36.45 per head of the population."

Within the last year several books have been published by Chilean writers bearing on the question of the war of the Pacific. In every case the writer, as is quite natural, tried to prove that his country has acted honorably by Peru and Bolivia, and that now, in resisting the claims of these nations for a definite settlement of the disputes emanating from the treaties which ended the war, Chile is in the right.

Among these writers, Señors Rafael Egaña and Ricardo Salas-Edwards, have been the most bold in their assertions. And they have not winced at any statement, no matter how questionable, whenever it was necessary to destroy any embarrassing Peruvian argument.

Thus it is that Señor Egaña says in his book "The Tacna and Arica Question": "It is alleged that equity obliges Chile to return Tacna and Arica to Peru, establishing this supposed equity on the value of the indemnity that Chile received for the war, by the annexation of Tarapaca, the value of which is said to be too great a compensation for the sacrifices and expenses that the war imposed upon us. This is an error deliberately concurred in by the adversaries of our country,

who know very well that the real value received by Chile, that is to say the actual and positive value represented by Tarapaca at the time of its annexation, was not nearly as great as the amount of the expenses of the war. * * * Indeed, at that time the income produced by nitrate was less than ten millions of pesos a year, representing a capital of one hundred millions. Add to this the value of unworked nitrate fields, and at the highest valuation we have a value of one hundred and fifty millions of our actual money (18 pence per peso), or only fifty millions of our money of that period. This is the total indemnity that we have received, and is not sufficient to repay the amount that we had to expend in hard cash during the war. * * * That which Tarapaca has afterwards produced, and that which it will in future produce, is not a value delivered by Peru, but the natural production of Chilean capital, which otherwise would have been elsewhere applied with equal productive results."

Señor Egaña, to obtain his figures, ignores the sums that the nitrate has yielded to Chile, and those that it will eventually yield, because neither of them constitute actual value delivered by Peru, but merely represent the natural outcome of Chilean labor and capital.

This argument of Señor Egaña is ingenuous in the extreme. The revenue of the Peruvian territory, according to his exquisite reasoning, is not the fruit of the soil, it is a mere result of Chilean capital and labor which otherwise applied would give equal results. He certainly forgets, or pretends to forget, that the wealth of Tarapaca was a well-established entity long before the war, and that if since then it has grown, it is not due exclusively to Chilean capital and labor, but to those fixed economic rules which govern the exchange and value of the world's commercial products.

Señor Ricardo Salas-Edwards is more sweeping in his attack on Señor Garland's statistics, which he describes as a "fantastic indemnity," and like Señor Egaña he tries to be facetious in dealing with such a serious matter, probably because it is always so much easier to throw ridicule when there are no convincing arguments at hand. But, anyhow, he is more generous in his estimates, for whereas Señor Egaña

puts down the value of Tarapaca at one hundred and fifty million pesos of eighteen pence each, Señor Salas-Edwards sets it at four hundred and ninety-one millions of equal value, a difference of three hundred and forty-one million dollars, a discrepancy of about 225 per cent. in their respective calculations.

Millions more or millions less, it is a well-established fact that Chile, through the acquisition of the Bolivian and Peruvian nitrate provinces has attained her present financial position, and that if to-morrow she were to lose control of those provinces her revenue would drop to a very insignificant sum, wholly inadequate to meet her standing obligations at home and abroad.

Mr. Anderson Smith, a member of the Fishery Board of Scotland, who a few years ago visited Chile on a special mission, has published a very interesting work on "Temperate Chile" (London, 1899). Referring to the nitrate industry, he says: "Nitrate has supplied a revenue upon which the country has come to rely, not as a means of providing permanent works that might be considered national capital invested in good securities, but in feeding that demand for excessive officialdom that cannot be satisfied, and grows with what it feeds on. With a shrinkage of the revenue from nitrate many things may happen. * * * The people of Chile are not accustomed to severe taxation. They are willing to make personal sacrifices for the country they are proud of. But the burdens of the country are mainly borne by the national wealth, paid for with the blood of a brave people; and the masses are poor and the population too scant to endure with equanimity the taxation that would be required to maintain the present expenditure. * * * The cost of war material demands a considerable annual expenditure. This has not been diminished since the Peruvian war. Besides this steady demand on the little State, Chile has felt called upon for many years to maintain the most powerful fleet in South America. The wealth seized from Peru has aggravated rather than relieved the situation. It has increased the number of parasites removed from the possible workers in the more beneficial paths of industry and commerce. Like

a hive of bees that have robbed a neighbor, Chile is in danger of becoming a nation of professional thieves, rather than steady developers of its undoubtedly valuable resources. * * * The Peruvian war, and the plunder which followed, supplied a temporary means of distributing money and stimulating industry, and the nitrate boom gave an unwholesome and unstable belief in the national wealth."

We trust that this quotation from an impartial source will be of sufficient force to establish, that notwithstanding all that the Egañas and Salas-Edwards may say to the contrary, Chile has, indeed, reaped a very rich harvest from Tarapaca, so rich as to make one of her public men exclaim: "When our budget was under eight million dollars we were a poor but honest and hard-working people; now that it reaches eighty millions, we are neither honest nor hard-working."

Señor Don Guillermo Billinghurst, in 1886, wrote an essay on the "Geography of Tarapaca." Señor Billinghurst is a wealthy Peruvian resident of Iquique. He was Vice-President of Peru under President Piérola, 1895-1899, and the negotiator of the Billinghurst-Latorre Protocol with Chile in 1898. A born citizen of Tarapaca, he is a recognized authority on the nitrate industry. His word, therefore, carries weight.

"It is not so difficult," he says, "as would seem to appear at first sight, to calculate the quantity of nitrate that exists in these deposits.

"From Camarones to the Loa there is not a single spot of the vast area embraced between the Pampa del Tamarugal and the highest peaks of the coast that has not been perfectly explored and surveyed.

"The Peruvian Government acquired through the law of expropriation nearly three-fourths of the nitrate deposits that were being worked. The number of *estacas* which these purchases represented was 15,713. An *estaca* is a superficial area of 40,000 square yards.

"The Chilean Government holds 7,823 *estacas* and it has returned to private parties 7,890 *estacas*, making a total of 15,713 *estacas*.

"The Peruvian engineers, Messrs. Arancibia and Paz-Soldan, who were commissioned to measure the nitrate deposits at the time of the law of expropriation, reported as follows: 'The quantity of nitrate produced by each *estaca* varies between 100,000 and 150,000 quintals.'

"But in order to reach conservative results," says Señor Billingham, "I base my calculations on a thickness of 50 centimetres per bed. This estimate is exceedingly low, because the thickness of the *caliche* in the southern deposits generally averages two metres. Nevertheless, I will keep to the 50 centimetres so as to be as conservative as possible.

"Therefore, each *estaca* contains 13,974.77 cubic metres of prime matter. Every *estaca* has about two-thirds of nitrate soil and one-third of foreign matter. Every cubic metre of *caliche* weighs 47 Spanish quintals. Therefore each *estaca* contains 656,814.19 quintals of *caliche*, and in order to be on the safe side, we will reduce this by one-third, thus leaving 437,876.13 quintals of *caliche* per *estaca*.

"The average alloy of the *caliche* in this province is 33 $\frac{1}{3}$ per cent., so therefore three quintals of prime matter are required to produce one quintal of nitrate of soda, and consequently each *estaca* produces 145,958.71 quintals of pure nitrate.

"These estimates are very conservative, as there are *estacas* that have yielded 500,000 quintals of pure nitrate.

"From the surveys made the territory of Tarapaca is divided into 21,212 *estaca*, of which 13,569.70 were still to be worked in 1886, and on the conservative basis of 145,958.77 quintals per *estaca*, the total existence of nitrate would appear to be 1,980,630,502.95 Spanish quintals, roughly speaking 89,600,000 tons.

"The export duty on nitrate is at the rate of 55 cents per quintal, and if this rate is maintained and no unforeseen circumstance comes to interfere with this industry, a monopoly of which Chile holds, she can still derive a gross revenue of \$1,000,000,000 before the deposits give out."

These astounding figures that have enriched Chile and that will make her still richer have nothing to justify them beyond the cost of the war which, according to Señor Salas-

Edwards, reached \$127,000,000 of Chilean money, but which according to other estimates, also based on the reports and accounts of the Finance Minister of Chile, at no time exceeded 44,000,000 pesos, Chilean currency.

Mr. Osborn, the United States Minister in Chile, in his dispatch to the State Department, refers in the following terms to the finances of Chile, four months after the war had been in progress: "Business in all its branches is at a standstill, and I can see nothing but universal bankruptcy in a long continuance of the war. Some few months since (April 10th, 1879) the Government, after failing in all efforts to secure a loan, issued six millions of paper notes. This is about exhausted, and I apprehend that ere long a new issue will be made. The extraordinary expenses growing out of the war are not much short of two millions a month. To provide the necessary funds for expenditure abroad, a decree has just been issued by the Executive, requiring that all import duties shall be paid in silver or its equivalent in bills on Europe. This was made necessary by the great decline in the value of paper money exchange on London, which, rated at about 40 pence for the dollar at the commencement of the war, has dropped to 28 pence."

Accepting for argument's sake that the war expenditure was at the rate of two million pesos per month, the total expenditure up to December, 1879, by which time Chile was in pacific control of the Peruvian nitrate province of Tarapaca, would amount to eighteen million pesos. From January, 1880, Chile began to extract revenues from Tarapaca, and long before this from the Bolivian littoral which she seized during February, 1879. It is no secret to-day that had it not been for the possession of these nitrate territories at such a comparatively early stage of the war, Chile would have been totally unable to meet the expenses of the war. Therefore, it must not be forgotten that Chile in Tarapaca found the means of carrying on the war and acquiring all the fresh war supplies that made it possible for her to undertake successfully the campaigns of Tacna and Lima, which eventually made her the master of the situation.

Señor Carlos Paz-Soldan has made a special study of

the financial aspect of the war, and his work contains much valuable information bearing on this subject.

"Since 1873," he says, "the Chilean budgets showed large deficits. In that year the expenditure reached in round figures some 21,000,000 pesos, while the total revenue from all sources was only 14,000,000, thereby leaving a deficit of 7,000,000. During the war Chile did not contract any foreign loan to meet her war expenditure. She limited herself to issues of paper money of enforced currency and also raised internal loans."

In an official publication, "Geographical and Statistical Synopsis of the Republic of Chile," published in 1897, this is fully confirmed. Referring to the national debt we read the following: "The internal debt is formed by loans contracted in the Republic for the payment of indemnities dating from the war of independence, for the construction of the State railroads, and to meet the expenses of *the late wars* with Spain, *Bolivia and Peru.*"

"Therefore, if we now analyze the fluctuations of the Chilean internal debt from 1879 to 1883, the years of the Peruvian war, it will be easy to obtain a correct idea of the sums expended by Chile during the said years. In 1878 the internal debt of Chile was 23,000,000 pesos; at the end of 1879 it had reached 40,000,000; in 1880 it was 60,000,000, and in 1881, 61,000,000; but in 1882 it stood at 54,000,000, a reduction of 7,000,000, and from thence onward there was a yearly reduction until 1900.

"According to these figures, which are taken from official sources (reports of the Minister of Finance to Congress), Chile increased her debt between April, 1879, and January, 1881, 33,000,000 pesos, in which sum are included the expenses of the war; but these millions could not possibly be applied in their entirety to these expenses, as there existed already a large deficit which had to be covered, and in order to meet the expenditure recourse had been made to the issue of paper notes."

The first bill authorizing an issue was dated April 10th, 1879. This issue, as has been stated, was for 6,000,000. Between this date and 1882 there were five more issues of paper

money. The total issue reached 40,000,000 pesos, but even this sum was not all in circulation, because in December, 1882, the last issue was suspended and 1,000,000 pesos were withdrawn from circulation. This was made possible by reason of the revenue which the Peruvian and Bolivian territories were already yielding, and thus it is that from this date onward she was in a position to reduce her debt and to put her finances on a more solid footing.

In the 33,000,000 by which the Chilean debt was increased between 1879 and 1882 must be included the actual paper money in circulation, of which only 17,000,000 were really issued to meet the expenditure of the war, the balance having been applied to the service of the debt and paying off of deficits.

From 1878 to 1880 Chile increased her foreign debt by 11,000,000 pesos, and from 1880 to 1882 she reduced it by about 7,000,000. The increase of the debt was due to small loans contracted during the war for the payment of the interest on her foreign debt.

Therefore, if all these different sums are lumped together and made to apply to war expenditures exclusively, we get 44,000,000 pesos as the greatest possible sum which Chile can have expended with her own resources and her credit during the war.

And these figures, based as they are on trustworthy information, cannot be far from correct, because when the question of peace through the mediation of the United States was being considered, the United States Minister, referring to the indemnity which Chile might claim, said that the forty or so millions which Chile had expended during the war were more than made up with the revenues which Chile had already gotten out of Tarapaca and the money which she had exacted from Peru in every conceivable manner.

But if any further refutation of the Chilean pet contention, "Chile's enormous expenses and heavy sacrifices during the war," were necessary, we find it in the words of President Santa María, who in his message to the Chilean Congress, June 1st, 1883, says: "The war, which brings so many disturbances with it, has not opposed the development and onward

progress of all the industries. The last harvest of cereals was not, in truth, as abundant as it promised, but in exchange, other branches of cultivation, not less important for the agricultural development of the country, have given satisfactory returns.

"The workman finds steady and well-paid work, and day labor is sought, and often in vain, for the various needs of developing industry. The activity of all industrial employment is shown by the daily increase of commerce by sea and land, in the growing steam navigation on our coasts, and in the incessant traffic of our railroads. Nor is it a less equivocal testimony that an extraordinary number of foreign vessels arrive at our ports soliciting the carriage of national products, and the large amount of merchandise which is seeking a market on our shores. The general commerce of the Republic during 1882 reached 124,000,000 pesos, or 16,000,000 more than in 1881."

As in 1878, the year previous to the war, the commerce of Chile had reached 80,000,000 pesos, and in 1882 it had increased by 44,000,000, viz., 50 per cent., notwithstanding the fact that as the President said "the harvest of cereals was not as abundant as promised," it is easy to see that this extraordinary increase, during the course of a war which was "*causing endless sacrifices and enormous expenditure*," was due to the wealth of the territories which victorious Chile now occupied, and from which she was deriving, already, an income which more than compensated her for any sacrifices that she may have had to make in the prosecution of the war.

A FURTHER DISMEMBERMENT

THE TARATA QUESTION

Few persons, if any, outside Peruvians, are aware that beside the Tacna and Arica question there is a "Tarata question."

Briefly the case is as follows: Clause III of the treaty of Ancon stipulates that the provinces of Tacna and Arica

are to be occupied by Chile for a term of ten years. These two provinces together with the province of Tarata constituted, prior to the war, the Department of Tacna. When the treaty of peace was signed and the time came for the evacuation of all territories not comprised in the cessions therein stipulated, the Chileans refused to withdraw from Tarata on the pretext that they considered that the River Chaspaya is the River Sama mentioned in the treaty as forming the northern boundary of Tacna.

The Peruvian authorities presented their claim based on their own demarcation of these provinces, and showing how Tarata at all times had been outside of the limits of the province of Tacna. Chile took no notice, and pretended to extend her possession still further north, until President Iglesias, who had gone as far as possible with regard to territorial concessions in the treaty of peace, denounced this new act of Chile in terms at once courteous and energetic.

The Chilean Government did not carry out its intended further usurpation, but it refused to withdraw from Tarata, which Chile occupies to this day, notwithstanding the protests of Peru since 1883, and that she is aware that in so doing she is infringing the treaty of peace.

This Tarata question, although perhaps a small issue when compared with the Tacna and Arica dispute, has an importance of its own, because it serves to show the manifest bad faith of Chile in her dealings with Peru, and how she does not omit any occasion to exasperate Peruvian sentiment.

And as a proof of the manner in which the Government of Chile turns and twists the just claims of Peru, and unscrupulously acts toward her, the following paragraph of Minister Logan's communication to Secretary Frelinghuysen deserves to be placed on record: "Having received a communication from my colleague in Lima, informing me that a difference had arisen between Iglesias and the Chilean Government upon the inclusion of Tarata in the territory of Tacna and Arica, I thought it my duty to see the Foreign Minister, Señor Aldunate, who has just returned from his visit to Peru, and learn the precise status of the case. *To my relief, this gentleman informed me that my colleague was wholly*

mistaken as to the facts; that a slight difference of opinion had arisen upon a question of construction, and that after being discussed with the Iglesias representatives for a couple of hours, Chile had receded, and confined the boundary to the line originally proposed by me during negotiations with Señor Calderon, viz., the Sama River. The parties are, therefore, in perfect accord."

It is difficult to find, in view of the situation which even to-day exists, a more barefaced untruth than that which is contained in Señor Aldunate's assertion. Such a statement coming from the Minister of Foreign Affairs at a time when he was well aware that *Chile had not receded* to the original boundary line and had no intention of receding, gives the exact measurer of the value that should be attached to the declarations of the Chilean Government.

THE TACNA AND ARICA QUESTION—PRELIMINARY NEGOTIATIONS

I

THE DELAY

We now come to that portion of our narrative which constitutes the burning question of the day, a question that has stirred up all the bitterness of feeling of the early days of the war.

It is a well-known fact that the Peruvian nation has spent the last seventeen years in a vain but persevering effort to regain possession of her captive provinces. But the history of these untiring efforts has not been made public in all its many details, although now and again the echo of the clamor of the victim nation has reached the outside world, and made it remember that the embers of the fire which lightened up South America from 1879 to 1883 were still there, smouldering.

The first six years after the war saw Peru engaged in trying to prevent Chile from expanding beyond the bound-

aries stipulated in the treaty of Ancon, but, as has been seen, with no success, because from the morrow of the treaty Chile deliberately broke faith with Peru and prepared her for what was to follow.

Peru had many difficulties to contend against during those six years. The internal dissensions that Chile had made possible by the policy of making and unmaking governments prevented Peru from recovering from the effects of the war, while the financial embarrassment that the war had created was made even greater by the fact that the large Peruvian foreign debt remained on the hands of an impoverished government, while the resources that had stood as guarantee for its payment had passed into other hands.

In 1890, when four years were yet wanting for the expiration of the term of occupancy by Chile, the Peruvian Government broached the subject of the protocol, and prepared for the negotiations that should eventually lead to the release of Tacna and Arica through the plebiscitum.

During two whole years the Foreign Office made a careful study of the question, soliciting and obtaining the views of the leading Peruvian statesmen in regard to the bases, conditions and form of the plebiscitum, the manner and form for the payment of the indemnity, and, when it felt that it had considered every conceivable phase of the question, it instituted the preliminary negotiations.

Nine years have now rolled on, nine years of incessant and untiring efforts, during which the only result has been to accumulate in the archives bundles upon bundles of correspondence, protocols, agreements and conventions, that have never brought the issue an inch nearer to its goal, although while the negotiations were proceeding, Peru was lured into the belief that each successive attempt was to be the final one, and that the realization of her long cherished national aspiration, the ending of the controversy, was to be gratified without further delay.

The voluminous correspondence that has passed between the Governments of Peru and Chile in reference to Clause III of the treaty of peace is, on the one hand, a proof of Peru's persistent efforts for the carrying out of that clause,

and, on the other, an evidence of the shifting and deleterious policy of Chile.

Agreements, conventions and protocols have been discussed and signed time upon time, only to be withdrawn, amended or disauthorized by the Chilean Government immediately afterwards. This policy of broken promises, unfulfilled pledges and general bad faith has been analyzed by writers and historians throughout South America. And the Chilean Government has not been free from censure at the hands of some of its own statesmen, who now and then have raised their voices above the arrogant howling of a jingo government and press.

Señor Gonzalo Bulnes, a former Chilean Minister at Berlin, writing in the "Ferro-Carril," of Santiago, says: "Peru has had great interest that the plebiscitum should be carried out; to deny it would place us in a bad light, because her government can easily prove the contrary by exhibiting all the diplomatic correspondence on the subject. The reasons for this interest are very clear and can be stated briefly as follows:

"1st. Chile was in possession of the territory in dispute, and the only available means that Peru had for its recuperation was in urging Chile to comply with the conditions stipulated by the treaty. Therefore, the natural rôle of Peru during these negotiations was an *active* one, while that of Chile was a *passive* one.

"2d. Peru has been hearing the clamor of the inhabitants of the said provinces beseeching their reincorporation with their ancient nationality, and through patriotism and even for the sake of decorum, she could not unheed their voice.

"3d. Peru has had a blind confidence in the ultimate result of the plebiscitum."

On another occasion this same writer has said: "The aims of Peru have never undergone any change, and her most earnest desire has been to recover her ancient provinces after securing the taking of the plebiscite under the auspices of some foreign power, and doing her best to obtain every facility for the payment of the ransom. Chile, on the other hand,

one day wished the plebiscite to be favorable to herself, the next to make Bolivia a present of the territories, lastly to hand them over to Peru; her action has in consequence been weak, and she has made declarations and established principles that are contradictory as well as dangerous."

When a few months ago the Chilean legation at Washington distributed broadcast the circular of Señor Errazuriz-Urmeneta, Chilean Minister of Foreign Affairs, and the publications of Messrs. Eduardo Salas-Edwards and Rafael Egaña on the pending conflicts with Bolivia and Peru, the press of the United States passed judgment on these several publications. And to this effect the "Journal," of Boston, said:

"Chile has made formal communication to the Powers of her position in the matter of the disputed provinces of Tacna and Arica. In her statement of the events leading up to the present trouble, she throws upon Peru and Bolivia all responsibility for the delays in the negotiations, and charges them with bad faith.

"These charges cannot be seriously made. The fact is that Chile is in possession of the provinces in question; that she has retained possession of them for years after the date at which, under the treaty of Ancon, she had agreed to allow their possession to be determined by a plebiscitum; and that to-day the only obstacle to the taking of this vote is the flat refusal of Chile to permit it. This refusal Chile reaffirms in the very statement in which she charges Peru and Bolivia with occasioning the delay. She says:

"Without great danger to our national life we cannot give up possession of Tacna and Arica. Chile has an equal right there with Peru to obtain definite possession of the territories. The treaty of Ancon placed the two countries in an equality of position; but Chile has a greater interest than Peru in obtaining them and can offer them a future of prosperity and progress, while Peru neither wishes to nor is able to do more than return them to a state of neglect and inertia in which they always were in her possession.

"Finally the inevitable and supreme law of self-preservation in this case impels Chile and does not affect Peru.'

"This simply places the convenience and self-interest

of Chile above the obligations imposed on her by the treaty of Ancon. It is a cynical disavowal of responsibility under that treaty. If it is true that her rule over the provinces is more beneficent than that of Peru, and that it is for the interest of the people of the provinces that they should remain as they are, the seventeen years during which Chile has held the provinces should have been enough to impress that fact upon the people. Why does Chile refuse them the chance which the treaty of Ancon guaranteed them, to declare their preference?"

And the "Sun," of New York, said:

"We have before us a pamphlet written by Señor Don Rafael Egaña, and published at Santiago de Chile, the purpose of which is to justify Chile's failure to carry out the provisions of the treaty of Ancon relating to the provinces of Tacna and Arica. The document is a disingenuous piece of special pleading, and leaves us entirely convinced that the Santiago Government is guilty of a glaring breach of faith in refusing to ratify the protocol under the terms of which the treaty was to be carried out."

II

FIRST PERUVIAN EFFORT

1892

On August 10th, 1892, Señor Larrabure y Unanue, Peruvian Minister of Foreign Affairs, addressed to Señor Vial Solar, the Chilean plenipotentiary at Lima, a note inviting him to discuss the protocol for determining the plebiscitum. In this note Señor Larrabure said: "The Peruvian Government considers it indispensable to at once undertake the negotiations of the said protocol. With this in view I now invite your Excellency, trusting that you will indicate the day upon which our conferences may begin."

On the following day, August 11th, Señor Vial Solar replied that he would inform his Government, thereby imply-

ing that he was without instructions to treat the subject. Anyhow, it appears that between both Ministers there must have been an exchange of views, because on September 5th, Señor Larrabure addressed a personal letter to the Chilean Minister, saying: "My Dear Friend: Remembering the ideas that on several occasions you have expressed in reference to the relations between Chile and Peru, I have drawn up the following bases of an agreement, after conferring with my colleagues, and which may serve as a basis of discussion with the representative of Chile."

The bases contained in the memorandum were substantially as follows:

The products of Peru and of Chile will be free of import duties on entering the ports of either country.

The merchant shipping of both nations will enjoy the same privileges as are extended to its own shipping in either nation.

The Government of Chile withdraws from the territory of the provinces of Tacna and Arica, which will continue under the sovereignty and dominion of Peru.

Peru binds herself:

1st. To grant to Bolivia the right of using the custom house in the port of Arica, and to use the Peruvian tariff. The net revenues of this custom house to be distributed in the following manner: one-third for Bolivia; one-third to continue paying off the Chile-Bolivian debt; one-third to be applied by Peru to the payment of her foreign debt, legitimately qualified according to the treaty of Ancon.

2d. To facilitate the construction of one or more railroads and telegraph lines, by private enterprise; to unite the port of Arica or the city of Tacna with the territory of Tarapaca or the Bolivian frontier, without further obligation or other restrictions than such as are contained in the Peruvian regulations governing the matter.

The Governments of Peru and Chile will denounce all commercial treaties in force the stipulations of which, in their opinion, are contrary to the present agreement.

By common accord they will invite the bordering South American nations to conclude special commercial treaties, on the basis of mutual concessions in regard to free trade.

The foregoing memorandum proves that Peru until 1892 did not attribute to Chile any desire to acquire the provinces of Tacna and Arica. It further shows that in the opinion of the Peruvian statesmen the 10,000,000 pesos which Peru would have to pay as ransom might be exchanged for some commercial concessions on the lines of those contained in the above bases.

The Chilean Plenipotentiary replied to Señor Larrabure that he would forward the memorandum to his Government, and this again implied that he was without instructions, and proved that Chile was in no hurry to proceed with the negotiations.

Seven months later, on April 8th, 1893, Señor Vial Solar made known his reply, after being urged by the Peruvian Foreign Office. In it he stated that although his government would utilize every favorable opportunity to establish negotiations on the basis of commercial concessions and advantages, there did not exist any reason why such a subject should be treated in connection with the questions referring to the final possession of Tacna and Arica, and that it did not suit the political purposes of Chile to renounce the expectations given by the treaty of Ancon as regards the acquisition of the said provinces.

This last declaration cannot be taken literally, because Chile until then had not mapped out its exact line of conduct in the matter. This has been proved by the words of Señor Gonzalo Bulnes, previously quoted, and we shall have occasion to recall it when dealing with the history of the negotiations that followed.

III

THE PROTOCOL BACOURT-ERRAZURIZ

While the preliminary negotiation to which we have just referred was going on, and Peru was trying in an open and honorable manner to dilucidate the future relations of both countries so as to finally establish a lasting and real peace, Chile was engaged in negotiating with France a protocol wherein, under the cover of a pretended help to Peru to enable her to settle with her creditors, Chile was really preparing a possible way of acquiring definitely the territory in dispute.

The history of this affair is briefly the following:

On the 9th of February, 1882, during the occupation of Peru by the Chilean forces, the Government of Chile issued a decree containing, among others, the following articles:

1st. One hundred and eighty days from the date of the present decree, shall be sold by sealed bids to the best offer, one million tons of guano of 1,000 kilograms each, or in defect of this quantity, all the lesser quantity of this substance that may exist in the deposits discovered and in actual work in the territory of Peru, controlled at present by the arms of the Republic. The nature and extent of the obligations that the Government of Chile binds itself with as vendor, shall depend, as regards its legal effects, upon the character of the title of possession that Chile holds at this time, or of that which she may acquire in the future over the territories containing deposits of guano offered for sale.

13th. The net price of the guano, after deducting the expenses of extraction, assays, weighing, shipping, wages to the officers attending to these several operations, and likewise all others that may occur up to bringing the guano alongside of the vessels, shall be borne in equal parts by the Government of Chile and such creditors of Peru as whose claims are supported by the guarantee of said substance.

14th. In order that the creditors of the Peruvian Government may exercise the right which is granted them in the previous article, they shall constitute, by anticipated action

and by common accord of the parties accepting the benefits of this concession, a court of arbitrators for the settlement of the various difficulties to which the liquidation may give rise, the legitimacy or validity of their claims, and the priority in which their respective credits should be covered.

15th. A term of 180 days shall be allowed from the date of this decree for the above-mentioned creditors of the Peruvian Government to inform the Department of Finance of the designation that they shall have made of the court of arbitrators referred to in the preceding article. If at the expiration of this term they should have failed to be agreed upon the selection of the arbitrators, the Government of Chile shall do so of its own accord.

The treaty of Ancon, considering with exaggerated restrictions the rights of the creditors of Peru, contained the following stipulations:

"ARTICLE 4. In compliance with the stipulations of the supreme decree of February 9th, 1882, by which the Government of Chile ordered the sale of one million tons of guano, the net proceeds of which, after deducting the expenses and other disbursements, as referred to in Article 13 of said decree, to be divided in equal parts between the Government of Chile and those creditors of Peru whose claims appear to be guaranteed by lien on the guano. After the sale of the million tons of guano has been effected, referred to in the previous paragraph, the Government of Chile will continue paying over to the Peruvian creditors 50 per cent. of the net proceeds of guano, as stipulated in the above-mentioned Article 13, until the extinction of the debt or the exhaustion of the deposits now being worked.

"The proceeds of deposits or beds that may be hereafter discovered in the territories that have been ceded will belong exclusively to Chile.

"ARTICLE 6. The Peruvian creditors, to whom may be awarded the proceeds stipulated in Article 4, must submit themselves, in proving their titles and in other procedures, to the regulations stated in the supreme decree of February 9th, 1882."

At the time when the formal treaty of peace was being discussed by the Peruvian National Assembly, the French Minister first, and later other European representatives, protested against the above clauses.

The protest of the French Minister is couched in the following terms:

"Articles 4, 6, 8 and 10 of the treaty of peace signed October 20, between Chile and Peru, provide for a cession of territory, without taking into consideration the guarantees which form liens, special or collective, of the creditors of Peru.

"The Government of the French Republic does not consider it possible to permit this to be consummated without protesting against those clauses which must be considered null so far as regards its citizens.

"In instructing me to announce to your Excellency the sending of an identical note agreed upon between the powers interested my Government insists that the question of debts shall be immediately reserved, with a view to an amicable arrangement between the two Governments and the creditors, so that a solution more satisfactory, based upon contracts, shall be proposed to the Congress of Lima."

Señor Larrabure y Unanue, the Peruvian Minister for Foreign Affairs, in his reply said:

"The debts which are the cause of your Excellency's protest originated in loans made by individuals whom the Government of the undersigned did not think it necessary to ask their nationality; these debts have never had an international character, thus as to-day it appears, part of them, at least, are in the hands of Frenchmen, according to your Excellency's note, of which the undersigned does not for a moment doubt, they may to-morrow, possibly within a few hours, pass in to the hands of Americans or Russians, or business men of whatever nationality. Peru owes nothing to France, not as to the Government or the State, consequently those loans cannot become the subject of diplomatic intervention.

"A few years since the English bondholders solicited the intervention of her Britannic Majesty's Government, and

notwithstanding the exertions of private gentlemen, made as such, the British Foreign Office denied the right of diplomatic intervention, as appears from records in this office.

“If such serious considerations do not convince the Government of your Excellency, and it should consider it necessary to sustain the protest, the undersigned seizes the occasion to remind you that it is of public notoriety that for more than four years Peru has not controlled the hypothecated products.

“Notwithstanding since the earlier days of the war of the Pacific, cargoes of guano and saltpetre have passed over the seas without any opposition, Peru even has asked at the proper moment, through its diplomatic or consular agents, the embargo of these cargoes in European ports without finding support on the part of the Governments which now protest. Under these conditions diverse arrangements have been made between creditors, and a public sale made of 1,000,000 tons of guano to which the guarantees apply, without notice on the part of the Republic of France or the other States. It has thus struggled alone, and for a long time, to save these interests, and afterwards signed a treaty of peace, because it was no longer in condition to continue the struggle.

“Moreover, your Excellency should not forget that in the outbreak of the war the Peruvian Government was engaged in an advantageous arrangement with its creditors; the guano and saltpetre more than sufficed for the debts. If Peru later on has found itself obliged to despoil the nation of the wealth which constituted the security, it has done so from the need to regard its own preservation, which is the first obligation, as it is the first right of a State; otherwise we should hold that war should never cease without the complete submission or the total destruction of one of the belligerents.”

Naturally, after peace was established the next serious question that confronted Peru was the settlement of accounts with her foreign creditors.

Peru was weighed down by a foreign debt which could never be redeemed, while payment of interest out of the revenue of the ruined and impoverished country was impossible.

The nitrate of Tarapaca had been secured to the creditors, but this had now passed into the hands of Chile. It was a most serious outlook, and there seemed an inevitable prospect of the country having to struggle on without credit and without hope.

In 1889-90 the actual revenue of the State amounted to just short of seven million soles, while the total expenditure was over six million soles. The impossibility of meeting the obligations was obvious. Nevertheless a proposition was submitted to the Peruvian Government by Mr. Michael Grace, of New York, and received serious consideration. The scheme was that the bondholders should form a company to receive from the Peruvian Government all the railroads for a long term of years, mining privileges, the moles, and grants of land for immigration. In return the bondholders were to deliver over to Peru one-half of the obligations issued by her abroad, and look to Chile for settlement of the other half. The plan was about to be submitted to the Peruvian Congress when the Chilean Minister protested, declaring that in spite of the nitrate deposits being hypothecated to the Peruvian creditors, Chile would refund nothing. Sir Clements R. Markham in his "History of Peru," referring to this action by Chile, says: "Chile was wrong, even according to the terms of her own treaty of Ancon. It announced the intention of defrauding the creditors as regards the nitrate, but it provided that one-half the proceeds of one million tons of guano, if existing in Tarapaca, should be set aside for the creditors of Peru. The European powers protested, but did no more, though the British Government took action with the object of obtaining an arrangement of the bondholders' claims, at least so far as the treaty of Ancon was concerned. Chile long persisted in her refusal, but at length an agreement was signed between Peru and Chile on January 8th, 1890, by which Chile ceded to Peru, and Peru transferred to the bondholders, the money derived from the sale of guano, which was deposited in the Bank of England, 80 per cent. of the sums received from guano by the Chileans since 1882, and the product of the guano deposits now being worked, including those on the coast of Tarapaca, for eight

years." This decided opposition of Chile obliged Peru's settlement with her creditors to be greatly modified before it was eventually carried out.

The protocol above referred to contained besides the following articles:

"2d. In virtue of what has been stipulated, Peru, in the arrangements or contracts which she may conclude with those of her creditors whose titles are supported by the guarantee of guano, will recognize expressly, and with the assent of aforesaid creditors, the limitation of the responsibility of Chile to that which was established in the Articles IV, VII and VIII of the treaty of peace referred to, *i. e.*, solely to the 50 per cent. of the net proceeds of the guano deposits of Huanillos, Pabellon de Pica, Punta de Lobos and Island of Lobos."

The above protocol had, therefore, modified the treaty of Ancon, abolishing the arbitration of the Peruvian creditors, the Peruvian Government retaining the sovereign right of either making the partial payment to its creditors or of establishing an arbitration if so convenient. Such was the state of affairs until the French firm of Dreyffus Frères, sustained by the Government of France, stepped in, claiming from Peru a considerable net sum of money.

The Chilean Government, ignoring the Elias-Castellon protocol of January 8th, 1890, admitted the French claims and entered into an agreement with the representative of France for the establishment of an arbitration for the distribution of the money already ceded to Peru.

Chile was perfectly aware at the time when she discussed these affairs with the French diplomat that the Dreyffus claim, which he was defending, was a litigious question between Peru and a French firm, a question which naturally had two sides to it, and which Chile could in no case decide *de motu proprio*. Besides, she knew that her interference in the matter was uncalled for, and that if she undertook it it was in direct violation of every law of right and justice.

But Chile on this occasion, as on every other, had her own hidden and selfish reasons to direct her policy, and heedless of everything she carried out her nefarious work at a time when Peru was straining every nerve to reach a satis-

factory settlement for the final establishment of a permanent peace with her victor.

The Bacourt-Errazuriz protocol of July 23d, 1892, contains, among others, the following articles:

"ARTICLE 2. In consequence, the Government of Chile, in fulfilment of the dispositions of Clauses 4, 6 and 7 of the Treaty of Ancon, and Articles 14 and 15 of the Supreme Decree of February 9th, 1882, which is incorporated therein, and taking into consideration the wishes expressed on various occasions by foreign governments in representation of the principal groups of creditors of Peru, is of opinion that it must proceed as early as possible to constitute the Tribunal of Arbitrators.

"ART. 3. The funds deposited in the Bank of England, to which the said Clause A of the protocol of January 8th, 1890, refers, will be distributed among the creditors in accordance with the resolution which the said Tribunal may transmit direct to the said bank.

"ART. 5. Resuming the negotiations carried on between the French and Chilean Chancellories since the year 1888 the Government of Chile definitely cedes in favor of the French creditors of Peru whose titles (titulos) shall have obtained the favorable verdict of the arbitrator mentioned in the previous Article, and up to the amount of the sums recognized by the said Tribunal, that which follows:

"A. The 20 per cent. of all the net proceeds of the sale of guano received by Chile from February 9th, 1882, to January 9th, 1890, Chile reiterating the offer made on different occasions to the French Government, viz., in 1888 and 1889 (confidential mission to Lima) and in 1890 (private note of April 12th), to the effect that always with the intention of facilitating to a neighboring and friendly country the settlement of its financial difficulties, it might raise by 4,000,000 silver pesos the indemnity which in accordance with Article 3 of the treaty of October 20th, 1883, Peru will have to receive from Chile, in case the territories of Tacna and Arica be definitely incorporated under the dominion and sovereignty of Chile.

"ART. 6. These spontaneous concessions on the part of

Chile given in the same spirit as guided her when stipulating the protocol of January 8th, that is to say, in order to facilitate to Peru the complete extinction of her external debt, and in order to insure to the Pacific coast the peace and tranquillity which Chile on her part requires for the development of her commerce and her navigation, do not affect the rights which the French creditors would have to enforce against the Government of Peru in the event of the sums ceded by Chile not being sufficient to totally cancel the credits to which the French creditors may be entitled according to the resolution of the arbitrator, it remaining clearly established that the Government of Chile will only be answerable for the payments of the credits recognized to the extent of the amounts spontaneously ceded and offered in this protocol.

“The Government of Chile, on her part, binds herself to support as far as possible the French Government in the question of submitting to arbitration all the claims of the French creditors of the external debt of Peru in case an agreement has not already been come to between Peru and France to follow this line of action.”

After reading the above no one can wonder at the feeling of indignation and alarm that arose in Peru. Chile was asked to withdraw the offending clause, and to explain her conduct in the whole affair, but, *of course*, neither one nor the other was obtainable. On the contrary, it was learned later on that Chile had made a secret arrangement with France whereby the provinces of Tacna and Arica should be annexed definitely to Chile, who would in exchange hand to the French creditors, the Dreyffus group, the ten millions mentioned in the treaty of peace. This dishonorable agreement was signed by Señor Isidoro Errazuriz while at the head of Chilean Foreign Affairs, but he strenuously denied its existence, which eventually was proved beyond a doubt by the Minister of Foreign Affairs of France, who disclosed its existence to the well-known Peruvian statesman, Señor Nicolas de Piérola, and Señor Guillermo Billinghurst was told of its existence at the time when, as Plenipotentiary in Chile, he was framing the bases of the protocol of 1898.

The very curious nature and wording of the clause prove

the existence of an understanding between France and Chile in direct violation of the stipulations of the treaty of peace, a violation so more extraordinary when one considers how jealous France has always been about her own territorial integrity, and how she feels even to-day on the question of Alsace and Lorraine.

IV

THE SECOND EFFORT

1893

The Peruvian Government, notwithstanding its first failure to settle the terms of the "additional protocol" mentioned in the treaty of Ancon, lost no time in again inviting the Chilean Plenipotentiary to resume the negotiations. This new negotiation was undertaken by Señor Mariano Jimenez, the then Minister of Foreign Affairs of Peru. In all there were five conferences, extending over a period of seven months.

From the outset the Peruvian Minister stated that as on the 28th of March, 1894, expired the term of ten years of Chilean occupancy mentioned in the treaty of peace, the territories of Tacna and Arica should then be handed over to Peru, who would then proceed to the holding of the plebiscitum.

Señor Vial Solar absolutely refused to treat under such conditions. The Peruvian Minister then proposed as a compromise, "that the said territories be delivered to a neutral power, at the date, March 28th, 1894, named by common consent, under whose auspices the plebiscitum should be held, and who afterwards would deliver them to the nation in whose favor the election had gone. To this the Chilean Minister objected, stating that the rights of his country to remain in possession were unquestionable, a sentiment in which the Peruvian Minister did not concur.

A further meeting, at which the question of who should have the right to vote only served to bring out the fact that either party was inflexible on this point as they had been in reference to the date of expiration of the term of occupancy,

determined Señor Jimenez, a native of Tacna, who was naturally eager to carry the negotiations through, to make a fresh attempt on new lines. His memorandum has been greatly censured by Peruvian public opinion, and it is doubtful whether any Peruvian Congress would have ratified it. But, good or bad, it serves to show how untiring were the efforts of Peru to reach a solution of the question.

The following are the terms of the memorandum:

“The territory shall be divided into two zones, the first from the River Sama to the valley of Vitor, and the second from this valley to the valley of Camarones. On March 28th, 1894, the first zone shall be delivered to Peru, and in the course of the next thirty days each nation shall give the rules of procedure for the election in their respective zone, while remaining at liberty to fix the personal requisites of the voters. The plebiscitum to be determined before October 1st, 1894.

“If the election results in favor of Peru in both sections of the territory the indemnity agreed upon shall be paid to Chile in the following manner:

“‘All Chilean natural or manufactured products, and the packages or envelopes containing them, shall enter Peru duty free for a term of twenty-five years; and besides, they shall not pay in Peruvian territory any higher excise or other duties than are levied on similar Peruvian articles.’

“If the election should be favorable to Peru only in the Sama to Vitor section, the proportionate indemnity shall be payable in the same manner during twenty years.”

Subsequent events would seem to show that this extraordinary proposition really emanated from Señor Vial Solar, and that Señor Jimenez, in his patriotic eagerness to obtain the reincorporation of the towns of Arica and Tacna (included in the first or Peruvian zone) with Peru, overlooked the real value of the commercial concessions which he was making to Chile. When the Peruvian Congress learned the tenor of the memorandum a perfect storm was raised.

But notwithstanding that this memorandum contained such very favorable conditions for Chile, the ultimate result was to find it a place in the archives of both countries.

Señor Gonzalo Bulnes and Señor Vial Solar, several years after, have exhumed these "Jimenez-Vial Solar" negotiations and defended them very warmly. Señor Vial Solar, in his book "Historic Reminiscences," 1900, says: "The Government of Peru offered to Chile, besides a half of the territory in dispute, a treaty containing the most liberal concessions, not of commercial reciprocity, but one by which the Peruvian market was delivered exclusively to Chile. * * * During twenty or twenty-five years, as the case might be, the natural and the manufactured products of Chile were to be admitted free of duty in the Peruvian territory, and by this clause the loser in the war of 1879 delivered unto the victor his ports and his markets, his economic blood, in one word, solely on condition that the latter should allow him to satisfy the constant craving of its people to reincorporate those two cities, that in the confines of its frontier begged it to make every possible sacrifice to bring them back to the fatherland. * * * In exchange for such material advantages what did we abandon in the field of strict right, and of our well-considered conveniences, to the other party? Only the towns of Tacna and of Arica, that had never ceased to be Peruvian, notwithstanding our great efforts to Chileanize them, and which according to the ideas prevalent at the time among Chilean statesmen, were not considered to be even fit to serve as an advanced military frontier for the province of Tarapaca."

The favorable report of Señor Vial Solar on these negotiations was of no avail, and about a month later he informed the Peruvian Government in a very vague communication that his government did not approve them.

In the last of the previous conferences he let fall certain remarks which it is worth to place on record. Referring to the withdrawal and surrender of the first zone by Chile he stated that he could not admit this, because by doing so, and allowing Peru to establish the rules of procedure to govern the plebiscitum in said zone, the reincorporation of the disputed territories with Peru would be assured, and this would naturally injure the expectations of Chile.

Such a declaration is most important because it implied

that Chile thought that whoever held control at the taking of the plebiscitum would be certain to incline the election in its favor, which would account for her decision to retain possession and to determine the plebiscitum according to this standard of honor and justice.

In vain did Minister Jimenez expostulate and declare that his nation would abide by the treaty and act according to the laws of jurisprudence. It was easy to see, as Señor Bulnes humorously puts it, "that unless Chile was allowed to take the *pan by the handle* she would listen to no more plebiscitum talk."

V

THE THIRD PERUVIAN EFFORT

1893-94

Like his predecessors in the Foreign Office, Señor Jimenez was undaunted, notwithstanding the failure of his previous efforts. On December 7th, 1893, he again conferred with Plenipotentiary Vial Solar, when he proposed to submit to arbitration the following two questions:

1st. To which nation corresponds the possession of the territory after March 28th, 1894?

2d. Does the right to vote correspond solely to the persons whose nationality would be affected by the definite incorporation with Chile, or also to other inhabitants?

The Chilean Minister said that his government could not accept that Chile's right of occupation should be questioned, and that, therefore, it could not submit it to the decision of third parties.

Señor Jimenez felt that Chile was closing every possibility of reaching a settlement, and he explained that if Chile was adverse to everything, Peru, at all events, had a right to demand that the plebiscitum should be undertaken in such a form and manner as to secure to the voters every guarantee of fairness and to make it the "true expression of the will of the inhabitants."

Señor Vial Solar could not get away from the force of

this argument and after reiterating such worn-out phrases as "*the honor of Chile which is at stake is a sufficient guarantee,*" "*the never-to-be-denied loyalty and good faith of Chile in observing her treaty obligations,*" etc., etc., the value of which, by this time, was well known to every Peruvian, the following bases were eventually agreed upon:

1st. The plebiscitum shall be held under the conditions of reciprocity that both governments shall deem necessary in order to obtain an honest election that will be the faithful and true expression of the popular will of the provinces of Tacna and Arica.

2d. The one of the two nations in whose favor the said provinces are to be annexed shall pay unto the other the ten million pesos stipulated in Clause III, in bonds of the public debt at $4\frac{1}{2}$ per centum interest and 1 per cent. sinking fund. The bonds of Chile shall be quoted at the average price at which those of the same description have been quoted in the London Exchange during the previous half year, and the bonds of Peru at the price to be decided upon by both governments, but in no case lower than 60 per cent.

The government issuing the bonds may at any time redeem them totally or in part at the rate at which they were accepted at the time of their issue.

3d. The coupons for interest due and for the redeemed bonds shall be received in payment of custom dues of the nation issuing them.

4th. In the event that Chile should gain the plebiscitum Peru shall be entitled to rectify her frontier on the River Sama, advancing up to the southern border of the valley of Chero, that commences in Punta Quiaca and terminates in the cordillera to the south of snow-capped Pallagua, extending the boundary line until the source and flow of the Uchusuma.

Per contra, if Peru should be favored Chile shall be entitled to rectify her frontier of Camarones, advancing as far as the northern edge of the valley of Vitor or Chaca, including the inlet of the same name; and extending the boundary line by the said valley as far as its southern slope and the boundary with Bolivia.

Whichever nation shall make use of the concession

herein mentioned shall pay unto the other the sum of three million pesos, which shall be deducted from the total sum of the indemnity.

Señor Jimenez, in his note to Señor Vial Solar, stated that he begged his Excellency to signify his acceptance of these bases so that they might, without any further delay, proceed to the discussion of the details for the proper perfection of the agreement.

The Chilean Plenipotentiary stated in his reply, which was sent on the same day, January 26th, 1894, that he accepted with pleasure, wishing thereby to give to the Peruvian Government a further proof of the cordiality with which the Chilean Government has always tried to smooth the difficulties that obstructed the happy termination of this negotiation.

Having advanced thus far it was mutually agreed that the further negotiations should be undertaken at Santiago, where Señor Blanco Viel was Minister of Foreign Affairs, and Señor Ramon Ribeyro Peruvian Plenipotentiary.

At a preliminary conference on the 23d of February, 1894, Señor Ribeyro read a memorandum that was to serve as an addition to the protocol of January 26th.

Substantially the following are its articles:

"1st. A commission composed of a delegate of Chile, another of Peru and of a third directly appointed by a friendly government, shall form a general list of voters inscribed in partial registers, they shall publish the general register, scrutinize the votes and proclaim the result. The same commission shall communicate this result to the two governments and resolve by majority of votes, and without right of appeal, all questions and difficulties that may arise with regard to the inscriptions and the votation.

"2d. Mixed commissions, composed of a delegate of Chile and another of Peru, shall make the partial lists and receive the votation in the city of Tacna, the port of Arica, and two other places.

"3d. These commissions shall be installed one month after the ratification of the protocol and shall hold sessions to make the inscriptions during thirty days.

"Fifteen days after the publication of the general list, they shall receive the votation during five days, daily drawing up minutes of the proceedings.

"4th. The right to vote belongs to Peruvians and Chileans, married, or being more than 21 years of age, actually residing in the provinces of Tacna and Arica; with the obligation, on the part of the Chileans, of proving more than two years of continuous and actual residence. Public functionaries and individuals forming part of the armed force shall be excluded, as likewise all such as, according to the laws of Peru or Chile, have lost the right of citizenship.

"5th. Peru will pay the indemnity, in case of gaining the plebiscite, in bonds of $4\frac{1}{2}$ per cent. interest and 1 per cent. sinking fund, quoting the bonds at 75 per cent. Chile will pay with similar bonds, quoted at the average price of those of her external debt on the London Exchange during the previous half year.

"6th. The coupons for interest and the bonds redeemed shall be received by the country issuing them, in payment of customs dues.

"7th. If the plebiscitum results in favor of Chile, Peru is at liberty to advance her frontier from Sama to the valley of Chero, and in the same manner if it be in favor of Peru, Chile is at liberty to advance the frontier of Camarones to the valley of Vitor, including the cove of the same name.

"The country making use of this right shall pay to the other the sum of three million dollars, to be discounted from the total sum of the indemnity.

"8th. If the plebiscitum results in favor of Peru, thirty days after the communication, by the commission, of the result of the vote, the territories shall be given up to Peru, in conditions to be accorded by both governments.

"9th. Peruvians shall retain their nationality in Tacna and Arica, unless they should decide otherwise, even in case these territories be definitely incorporated with Chile. This privilege shall extend to the zone between Vitor and Camarones, in the case that, the plebiscite being adverse to Chile, this nation shall take advantage of the right conferred on the two countries by Article 7th.

"10th. A future protocol shall resolve on the proceedings to be adopted with regard to unfinished law suits, and the rules of jurisdiction that shall be in force in the event of the territories returning to the dominion of Peru."

Señor Blanco Viel, the Chilean Minister of Foreign Affairs, offered to study it and to give his reply. But shortly after, at one of the conferences, he intimated that as he was about to leave office he would be unable to keep his word.

VI

THE FOURTH EFFORT

1894

As is shown in the previous chapter, the negotiations were broken off at a very critical moment, owing to a Cabinet crisis in Chile.

In the meantime, the 27th of March, the last day of Chile's legal occupation of Tacna and Arica, arrived, and Señor Ribeyro begged the Chilean Government to give a definite form to the bases of January 26th. The Chilean Government replied that were it not for the ministerial crisis still pending it would have continued discussing the details of the agreement.

When finally a new Cabinet was installed, Señor Sanchez Fontecilla was at the head of the Foreign Office. The new Minister took a different view of the situation and seems to have forgotten that the Peruvian Envoy had been discussing with his predecessor the bases of an agreement entered into between the Chilean Envoy at Lima and the Peruvian Government. In his first interview he stated that after March 28th the Peruvian provinces were left in a special condition as the term of occupancy had expired, and that it was now necessary to agree on an extension of the original term for a few years, so as to prepare in the meantime the manner to arrange for the holding of the plebiscitum.

Señor Ribeyro expressed great surprise and stated that

he could not understand the situation as presented by Chile, that for the very reason that since March 28th the condition of Tacna and Arica was one of irregularity, the Peruvian Government could in no case sanction a *de facto* occupation, which on the contrary it was its duty to end *quam primum*, hastening instead of retarding the negotiation prescribed by the treaty of peace. That such a proposition, coming at a time when he was expecting a resumption of an interrupted negotiation in reference to the carrying out of the plebiscitum, would oblige him to refer the matter to his Government, although personally his opinion was that it could not be entertained on any account.

The serious earnestness of Señor Ribeyro probably scared the Chilean Minister, who next stated that his remark about an extension was merely a personal idea and that he was willing to take up the discussion of the protocol.

But Chilean diplomacy is wily and Señor Sanchez Fontecilla proved himself up to the standard. "Very well," he added, "we will discuss the protocol; but from the beginning, making a *clean sweep* of the bases of January 26th, because the Government of Chile has not accepted the said bases, and on the contrary it has disapproved the conduct of Señor Vial Solar, who was a party thereto."

If ever there was an untruth so deliberately stated it was the foregoing, and we shall leave it to Señor Vial Solar himself to prove it.

Señor Vial Solar, like several other Chilean diplomatists, has quite recently made some important revelations in reference to this long-drawn controversy. In the pages of one of his books he says: "Minister of Foreign Affairs Blanco Viel accepted the protocol of January 26th, thereby ratifying what I had previously done, and he next proceeded to discuss the details that by the terms of the protocol were to be the subject of separate negotiations; this he did in conjunction with the Peruvian Envoy until the moment when he left the Foreign Office. Therefore, instead of the Minister having disauthorized what I had done, he accepted it because it was all in conformity with the instructions that I had received from my Government. And on the basis of

what had been accepted, he commenced and continued for a time the supplementary negotiation, until this was unfortunately interrupted through his retirement from office, at the most inopportune moment for the final completion of such a laborious and lengthy diplomatic effort.

"On the other hand, and if it were true that I had been disauthorized, how could it be explained that such an action had not been communicated to the Government of Peru, as it should be if it were to have any diplomatic value, and that, on the contrary, the said government should be left in the belief that the Government of Chile was acting at this time with its customary seriousness and was not cunningly sneering at its own proceeding?"

Señor Ribeyro in his dispatch to the Peruvian Government stated that he had reminded Señor Sanchez that Señor Vial Solar was the authorized representative of Chile in Peru when he drew up the bases aforementioned, that his action was therefore binding on his government, who at no time until now, had questioned this action, but that, on the contrary, the former Minister of Foreign Affairs, Señor Blanco Viel, instead of disauthorizing the said bases, had actually discussed with him the further details for their completion. That in view of this unforeseen circumstance, and while still maintaining his declarations as to the course adopted by Chile, he would communicate at once with his government in reference to the very serious and unexpected statement which he had the sorrow to hear, and which prevented him taking any course until he should receive the necessary instructions.

The Chilean Minister upheld that the action of his government was correct, and stated that it was really his predecessor who had disapproved of Señor Vial Solar's conduct. In the conversation it transpired that the point upon which Señor Vial Solar's conduct had met with censure was a totally different one from the question at issue, and this Señor Vial Solar has explained at length in his book, "Diplomatic Pages."

In this manner was defeated Peru's fourth attempt. It had reached on this occasion the drawing up of a protocol.

Its general terms and details had been discussed with a Chilean Foreign Minister, only to be broken by his successor, thus proving, once more, to what lengths Chilean bad faith was ready to go.

But this is only the commencement, we have still much to learn.

VII

THE FIFTH EFFORT

1894

On the 21st of September, 1894, Señor Ribeyro addressed a lengthy communication to the Chilean Foreign Office, in which he recalled all the previous efforts that had been made on the part of Peru to reach a settlement of the question, and stated that having informed his government of their conference of July 5th, he had now been instructed by his government to express to the Government of Chile that the Government of Peru being desirous of bringing to a happy termination, and in a manner both honorable and equitable, this question so intimately connected with the true and permanent interests of Chile and of Peru, it did not hesitate to believe that the Chilean Government, animated with the same sentiments, would be willing, in view of the state and course of their negotiations, to make known its views and opinions on the subject, and the suggestions that it may think conducive to the settlement of the pending negotiation.

This fresh invitation on the part of Peru gave rise to three conferences between the representatives of both powers.

In the first, the Chilean Minister proposed that the territory in dispute should be divided in three parts, viz.:

1st. On the north, as far as the valley of Chero.

2d. On the south, as far as the valley of Vitor.

3d. From these valleys to the towns of Tacna and Arica.

That the first division should be delivered to Peru without the formality of a plebiscitum; the second in like manner to Chile; and in the third, the plebiscitum should be held, and that by mutual agreement an equitable value would be

assigned to this division to represent the sum of the indemnity.

Señor Ribeyro, although remarking that this proposal was an entirely new one and that it called for special instructions from his government in order to entertain it, he would like to learn before doing so what provision Chile proposed for the taking of the plebiscitum so that it should be determined under conditions of equality. The Chilean Minister, after much evident reluctance, gave satisfactory assurances that the arrangements would be undertaken under conditions of equality. In this same conference the Chilean Minister mentioned *en passant* that Señor Lira, Chilean Plenipotentiary at Lima, carried instructions to obtain from the Peruvian Government an extension of the term of occupation, merely to give time for the settlement of the affair without any hurry, but that this would not prevent the carrying on of negotiations, the taking of the plebiscitum and the surrender of the territory even before the expiration of said extension. The Peruvian Envoy said that the extension would not be granted.

In their second conference the Chilean Minister stated that he had forgotten to hand Señor Ribeyro a memorandum that he had prepared, embodying his previous proposition; that he now did so and had written them out in the form of questions so that being answered it would be easy to change them into a form of protocol.

These questions are the ones before mentioned, including an extension of the occupation until March 28th, 1898.

This memorandum was presented on the 28th of October, and on the 5th of November Señor Sanchez Fontecilla resigned.

However, before the crisis the Ministers had a third meeting, at which it was agreed that it would be necessary to determine the qualifications of the voters.

For the second meeting the memorandum was partly discussed, the Chilean Minister finally acquiescing in the demand of the Peruvian that there should be perfect equality in the constitution of the board governing the plebiscitum and that this condition be inserted in the agreement. But he urged the necessity of an extension of the occupation so

as to relieve Chile of all anxiety at a time when a Presidential election was at hand. Señor Ribeyro replied that popular sentiment in Peru demanded a prompt settlement of the question and an extension was completely out of the question.

A prolonged ministerial crisis in Chile coincided with a return of Señor Ribeyro to Lima on leave. The negotiations were therefore again interrupted.

When finally, on December 7th, a new Chilean Cabinet was gotten together, it turned its attention towards Bolivia and neglected Peru. It is therefore useful to recall the protocols and treaties that were entered into with Bolivia, because of the bearing which they have had on the general affair.

VIII

THE BOLIVIAN TREATIES

Señor Luis Aldunate, Minister of Foreign Affairs of Chile in 1883, once said:

“It was a popular policy in Chile from the beginning of the war, and, therefore, a noisy policy, an outspoken diplomacy, to induce Bolivia to break her alliance with Peru, and to come to terms with us.”

Such a policy, which was very strange, no doubt, especially if one recalls the fact that Chile had attributed to Bolivia the cause of the war, was oftentimes revealed in all its indecent dishonesty.

We have already referred, in the earlier pages of this book, to the several well-known and established attempts that Chile made during the course of the war to bring about a rupture in the alliance, and even to form an alliance with Bolivia against Peru.

To the honor and good name of our ally we must declare that these insinuations were always treated with scorn.

But in 1882, at the time of the Trescot-Blaine mission to the warring republics, it appears that renewed efforts were being made by Chile. Mr. Trescot, referring to an interview with Señor Balmaceda, Chilean Minister for Foreign Affairs,

says that in the course of conversation Señor Balmaceda, who was excited and was complaining of the interference of the United States, stated that "Mr. Adams, in Bolivia, had addressed a letter to the government at La Paz, advising them of Mr. Trescot's mission and endeavoring to induce them not to make a separate peace before Peru has effected some arrangement."

Mr. Trescot, in explanation of this, says:

"As to Mr. Adams, there has been a general impression here that Bolivia had consented, or would consent, to a separate peace with Chile, by which, in exchange for the littoral territory upon the Pacific, she would be indemnified by some cession of Peruvian territory. When Mr. Adams returned to La Paz he communicated the purpose of the special mission to the government, and did, I believe, succeed in inducing them to suspend any such action until it could be ascertained if the good offices of the United States could effect a general and satisfactory solution."

In order better to understand the actual state of affairs between Chile and Bolivia, we now publish a portion of Mr. Walker Blaine's report to Mr. Trescot on his return from Bolivia, in which he refers at length to his interview with Señor Juan C. Carrillo, to whom it appears he gave explanations concerning Mr. Trescot's mission to Chile:

"Señor Carrillo replied he was pleased to hear my explanation, and that he would state to me with frankness and in confidence what were the views of his government and people. He said that they had been led to believe from the declarations of Mr. Hurlbut in Peru (for during the time Mr. Adams was absent from Bolivia) that the United States would not, in any event, permit peace upon the basis of annexation of territory, and that Bolivia had patiently awaited the result of the influence of the United States, not expecting a forcible intervention, but led to believe that our government would lend its moral influence, as it had done with so much effect in the case of Mexico; that after his return to Bolivia, in the early part of January last, Mr. Adams had informed the government of the mission of Mr. Trescot, and had re-

quested, to which the government had cheerfully acceded, that pending the result of your negotiations in Santiago things might remain *in statu quo*; that just about this time Señor Baptista had been sent as delegate from Bolivia to the proposed congress in Central America, and that secret instructions had been given him to converse, while on his journey, with any men of prominence with whom he might meet in Chile or Peru, that he might inform the Government of Bolivia as to the views of these countries with regard to peace; that at Tacna, Señor Baptista had met Señor Lillo, who, on behalf of Chile, had proposed that peace should be made between his government and Bolivia, to which Señor Baptista replied that his government would not make peace, save after consultation with and with the approval of Peru, and had suggested, speaking for himself, that it seemed best to make a truce rather than a peace; that conferences had been held, and that certain conclusions, subject to the approval of his government, had been assented to by Señor Baptista, but that the Government of Bolivia would never have agreed to peace, even with the consent of Peru, and this independent of any suggestion or request on the part of Mr. Adams. He also gave me to understand that Chile had offered to cede Tacna, Arica and Pisagua to Bolivia (all this territory being Peruvian), in exchange for Atacama. Further continuing, Señor Carrillo said that we could not regard it as strange, in view of the attitude of the United States, if Bolivia felt that the time had arrived when it was wise for her to make the best terms possible for herself and by herself, supposing that the United States had finally withdrawn from the question.

"I replied that I did not understand that the United States had as yet definitely decided its future policy, and requested him to state to me the intentions of Bolivia.

"In answer, he said that he would state them frankly, but begged that his views might be regarded as personal and confidential. He said that, first, it might be advantageous to consider that the same results could be brought about without offending either Peru or Bolivia, by a careful use of language. For example, Bolivia could cede territory to Chile,

provided it was regarded as in lieu of a money indemnity, and not as a right of conquest; for to affirm the latter proposition to be a recognized principle would, in effect, place the territory of Bolivia at the mercy of any nation stronger than herself, rather than do which she would prefer the immediate termination of a national existence. I replied that I thought that I could safely affirm that my government would never take part in any negotiation for peace which recognized cession of territory, without any other consideration, as the legitimate result of victory in war. He then added that it was absolutely essential to Bolivia to have a free and independent outlet and inlet upon the Pacific, the reasons for which he detailed, but which it is not necessary for me now to repeat. With these considerations as premises, he thought his government would make peace on the following conditions:

“1st. Recognizing indemnification as the right of the victor in war.

“2d. The indemnity due from Bolivia to Chile shall be fixed at a definite sum, and in default of payment, Chile shall be allowed to take Atacama; the fact shall also be recognized that, as a result of the war, a new demarkation of boundaries between the three nations has become necessary, and that the natural affinity of Atacama to Chile, arising from population and proximity, may be regarded in settling the demarkation.

“3d. Bolivia desires, for the purpose of procuring a port upon the Pacific, to make an independent treaty with Peru by which, in exchange for Tacna and Arica, she would give the province of Caupolican, bordering upon Lake Titicaca and contiguous to Peru, and possibly would assume a portion of her debt or pay an additional compensation in money, the details to be hereafter arranged between the two countries.

“Reverting to previous conversation, Señor Carrillo then inquired as to what I thought would be the attitude of my government upon the question.

“I told him that I could not form an opinion; that it was within the bounds of possibility that Congress, to which body I understood that the question had been referred, might decide to withdraw altogether, or to intervene with effect; that

I had no information or intimation on which to predicate an opinion; that, possibly, so indefinite a reply might be somewhat embarrassing to his government, but that a definite decision would, in all probability, be reached by the United States in a short time, and that it did not seem to me that a maintenance of affairs *in statu quo* for a limited period could seriously hamper or prove detrimental to Bolivia.

"In this he concurred and informed me that he was accredited both to Chile and Peru, and, for the purpose of conferring with you and with the Government of Peru, would gladly at once proceed to Lima, but was prevented from doing so for certain reasons. (See my dispatch No. 2.) He also said that he was empowered by his government, on the understanding that the United States had entirely withdrawn from the question, to request the aid of the Argentine Republic, Brazil or any other American power, and failing in this to request the intervention of Europe, and inquired of me what opinion my government would entertain of the latter course.

"I replied that the traditional policy of the United States had ever viewed with disfavor European intervention upon this hemisphere, and that unless this policy had been radically overturned (of which I was not informed), it could not but view such a step with disfavor. This was the substance of our conversation."

Señor Antonio Quijarro was Minister of Foreign Affairs of Bolivia in March, 1884 and, it occurred to him to try to bring about a direct peace among the belligerents, and to this purpose he addressed a letter on the 14th of March, 1884, to Señor Luis Aldunate, the Chilean Minister of Foreign Affairs, in which he suggested that at least a treaty of truce should be concluded between the three republics, and that if Chile was agreeable a meeting of diplomats representing them might meet at an early date at Tacna.

On April 6th, Señor Aldunate replied, expressing his willingness to meet Señor Quijarro's views, but insinuating some slight modifications to his proposed plan. After referring to the fact that Peru was in a state of anarchy, with

no visible government, he says: "But, nevertheless, this is not a serious obstacle why we should not attempt, at once, an understanding between our respective nations. Indeed, a day might be appointed at an early date to effect a meeting at Tacna of a Chilean agent and one from Bolivia, with sufficient powers to discuss and even to sign the treaty of truce." * * *

Señor Luis Aldunate, referring in later years to this correspondence, says: "Nothing of what I wrote deterred the Bolivian negotiator, not even the fact that while our fruitless correspondence was going on the Peruvian arms had suffered another crushing defeat at Huamachuco. Making the most of that happy circumstance in order to end a negotiation that was becoming somewhat inconvenient, we addressed on August 7th our last letter to Señor Quijarro."

In this letter Señor Aldunate states that "if the Government of Bolivia had resolved, in the presence of current events, to proceed to conclude a treaty of peace or of truce with Chile without any consideration whatever to the position in which our relations with Peru may remain, I trust that you will advise me categorically thereof."

Mr. Logan, writing to the State Department under date of May 9th, 1883, says: "Bolivia formally and officially agrees to make a truce with Chile separate and apart from Peru. Commissioners are at once to be appointed and sent to Tacna to negotiate this truce. Whatever may be the terms obtained by Iglesias, it is fortunate for Peru that they have been secured before the last *coup d'état* of Chile, by which the alliance would be effectually broken and Peru left entirely in the hands of her conqueror."

The President of Chile in his message to Congress on June 1st, 1883, referring to Bolivia, says: "At the same time the resumption of our interrupted diplomatic relations with Bolivia is being prepared. * * * * An official relation has been given you of the causes which produced the rupture of the agreement of truce, whose capital points had been arranged in January of the past year between the agents of the two republics. As was to be expected from its strange

cause, this sudden rupture could not be of a permanent and definite character. The interests which unite Chile and Bolivia are calculated to draw both peoples into an agreement of mutual advantage and reciprocal benefit which we may shortly expect to see consummated.

"At the call of this common interest, which cannot be prevented and can only be evaded for a time, has arisen the idea of resuming the interrupted conference of January, 1882.

"I cannot say at this moment that a perfect agreement has been reached as to the form and conditions under which this negotiation is to be carried on, but I judge that the differences which have up to this time presented themselves, in the views of the representatives of both nations, will be easily reconciled."

As will be noticed, Chile was already treating with General Iglesias for a peace with Peru, when the correspondence with Bolivia was going on, and her hurry to come to terms with Bolivia, irrespective of Peru, would serve to prove that the United States Minister, Mr. Logan, was right when he said that the Chilean *coup* had failed, or otherwise she would have arranged beforehand with Bolivia and left Peru to her fate, an event that even President Santa María seems to have considered as possible, for referring to the prospects of peace with Peru, he says in his message of June 1st, after stating that the bases of peace have already been signed, and that soon a definite treaty might follow, "*provided unforeseen accidents do not interrupt the regular course of events.*"

Finally the Bolivian Government agreed to arrange for a truce with Chile, and to this effect Señor Salinas and Señor Boeto were sent to Chile, where they eventually signed the first of the following conventions. The others refer to subsequent treaties made between Chile and Bolivia.

TREATY OF TRUCE BETWEEN CHILE AND BOLIVIA

Until the opportunity of celebrating a definite treaty of peace between the Republics of Chile and Bolivia shall arise,

both these nations, duly represented, the former by the Minister for Foreign Affairs, Mr. Aniceto Vergara, and the latter by Messrs. Belisario Salinas and Belisario Boeto, have agreed to adjust a pact of truce in conformity with the following bases:

I

The Republics of Chile and Bolivia celebrate an indefinite truce, and, in consequence, they declare the state of war terminated, and that the same cannot be again carried on unless one of the contracting parties notifies the other, with at least one year of anticipation, its determination to resume hostilities. In this case the notification shall be made directly, or through the diplomatic representative of a friendly nation.

II

The Republic of Chile, during the period that this treaty is in force, shall continue to govern according to Chilean law, the territories situated between the parallel 23° S. and the mouth of the River Loa, these territories being bounded on the east by a right line, drawn from Zapalegui, from the intersection of the limit of the Argentine Republic to the volcano Licancaur. From this point it follows a right line to the summit of the extinct volcano Cabana; from thence continues another right line to the spring of water (*ojo de agua*) that is found to the south of Lake Ascotan; and from thence another right line, that, cutting by the side of the lake, terminates on the volcano Ollagua. From this point another right line to the volcano Tua afterwards follows the divisional line between Tarapaca and Bolivia.

In case difficulties may arise, both parties shall appoint a commission of engineers, that shall fix the limits as indicated, subject to the landmarks here determined.

III

The property and goods confiscated from Chilean citizens, by Government edict, or by order of civil and military

authorities, shall be immediately returned to their owners or to their representatives.

There shall also be returned the products that the Government of Bolivia may have received from these properties and that appear to be proved by the documents in the case.

The damages that in these cases have been suffered by Chilean citizens shall be indemnified by reason of the actions that the interested parties may bring before the Government of Bolivia.

IV

If no agreement can be arrived at between the Government of Bolivia and the parties interested, with respect to the amount of indemnity for the loss and damage suffered, the points in dispute shall be submitted to a commission of arbitration composed of three members, one named by Chile, one by Bolivia and the third to be named in Chile, by mutual accord, from among the representatives of neutral nations, resident in Chile. This commission shall be appointed as soon as possible.

V

Commercial relations shall be reestablished between Chile and Bolivia.

In future raw material produced in Chile, and articles manufactured there, shall enter Bolivia free from all duties, or custom-house dues; and Bolivian productions of the same class and fabricated in the same way shall enjoy the same freedom in Chile, on their importation or exportation through a Chilean port.

The commercial freedom of Chilean and Bolivian manufacture, as well as the enumeration of these said products, shall form matter for a special protocol.

Nationalized merchandise entering by the port of Arica shall be considered as foreign merchandise for the effects of its entry.

Foreign merchandise introduced into Bolivia, *via* Antofagasta, shall have free passage, notwithstanding such measures as Chile may take to prevent contraband trade.

Until a special convention is made, Chile and Bolivia shall enjoy the commercial advantages and freedom that either nation accords to the most favored nation.

VI

At the port of Arica foreign merchandise shall pay, even that entering for consumption in Bolivia, the customs dues in force by the Chilean tariff, this merchandise shall not pay, in the interior, any further duty. The sums received in payment of duty shall be divided in this way: 25 per cent. shall be applied as dues received for merchandise to be consumed in the territories of Tacna and Arica, and as working expenses, and 75 per cent. shall be for Bolivia.

This 75 per cent. shall be divided, at present, in the following way: 40 parts shall be retained by the Chilean administration to pay the sums, due by Bolivia, at the settlement of the amounts, to be practiced according to Clause 3 of this treaty and to pay the unsettled part of the Bolivian Loan raised in Chile in 1867; the remainder shall be handed over to the Bolivian Government in cash or in drafts at its order. The loan shall be considered, for the effect of its payment, as in equal conditions with the damages to personal property effected during the war.

The Bolivian Government, when it thinks proper, is at liberty to examine the accounts of the Arica custom-house, by means of its agents.

As soon as the indemnity specified by Article 3 has been paid, and from this motive the retention of the 40 parts ceases, Bolivia is at liberty to establish custom-houses in the interior of her territory, if it be thought fit. In this case foreign merchandise may pass free, *via* Arica.

VII

Any acts of the subaltern authorities of either nation that tend to alter the situation formed by the present treaty of truce, especially in what may refer to the limits that Chile

continues to occupy, shall be repressed and punished by the respective governments, officially or by request.

VIII

As the object of the contracting parties, in celebrating this pact of truce, is to prepare and facilitate a solid and stable treaty of peace between the two republics, they reciprocally promise to carry on motions conducive to this object.

This pact shall be ratified by the Government of Bolivia in the term of forty days, and the ratifications exchanged at Santiago during the next month of June.

In proof of which, the Minister for Foreign Affairs of Chile and the Plenipotentiaries of Bolivia who showed their respective authorization and powers, signed, in duplicate, the present treaty of truce, at Valparaiso, on the fourth of April of the year one thousand eight hundred and eighty-four.

(Signed.)

A. VERGARA ALBANO,
BELISARIO SALINAS,
BELISARIO BOETO.

That which was stipulated having been complied with in a complimentary protocol, the ratifications of this treaty were exchanged at Santiago, on November 29th of the same year, 1884.

TREATY OF PEACE AND FRIENDSHIP BETWEEN CHILE AND BOLIVIA

The Republic of Chile and the Republic of Bolivia, desirous to establish in a definite treaty of peace the political relations that unite the two nations, and decided upon consolidating in a stable and firm way the ties of sincere friendship and good intelligence that exist between the two nations, and on the other hand realizing the purpose and wishes of concordance, sought by the high contracting parties since the conclusion of the treaty of truce of April 4th, 1884, have determined to celebrate a treaty of peace and friendship, and to this effect have named and appointed their Plenipotentiaries, namely:

By his Excellency the President of the Republic of Chile, Mr. Luis Barros Borgoño, Minister for Foreign Affairs, and by his Excellency the President of Bolivia, Mr. Heriberto Gutiérrez, Envoy Extraordinary and Minister Plenipotentiary of Bolivia, in Chile.

ARTICLE I

The Republic of Chile shall continue to exercise absolute dominion and have perpetual possession of the territory that she has governed till now, in conformity with the stipulations of the treaty of truce, of April 4th, 1884. In consequence the sovereignty of Chile is recognized over the territories that extend to the south of the River Loa, from its mouth in the Pacific Ocean to the parallel 23° S., and which have for limit on the east the series of right lines, determined in the 2d Article of the pact of truce, or thus: A right line that starts from Zapaleri, from the intersection of these territories with the frontier that separates them from the Argentine Republic, to the volcano Licancaur. From this point following a right line to the summit of the extinct volcano Cabana or mountain called del Cajon. From here another right line to the spring found to the south of Lake Ascotan, and from thence another right line that crossing by the side of the said lake terminates at the volcano Ollagua. From this point another right line to the volcano Tua, thence following the division between the department of Tarapaca and Bolivia.

ARTICLE II

The Government of Chile shall take charge of, and undertake the payment of the recognized obligations of Bolivia in favor of the mineral enterprises of Huanchaca, Corocoro and Oruro, and of the balance due of the Bolivian loan raised in Chile in the year 1867, after deducting the sums that may have been paid in to this account, in conformity with the 6th Article of the treaty of truce. Chile also enters into the obligation of paying the following credits that are owing by the coast province of Bolivia: that corresponding to the bonds

emitted for the construction of the railway from Mejillones to Caracoles; the credit in favor of Mr. Pedro Lopez Gana, now represented by the firm of Alsop & Co., of Valparaiso; that in favor of Mr. Henry G. Meiggs, represented by Mr. Edward Squire, proceeding from the contract made with the Bolivian Government on May 20th, 1876, with regard to renting the nitrate deposits of Toco, and also the credit recognized in favor of the family of Mr. Juan Garday.

These credits shall be the objects of special liquidation and shall be specified in detail in a complementary protocol.

ARTICLE III

With the exception of the obligations enumerated in the preceding Article, the Government of Chile will not recognize any credits or responsibilities of any class affecting the territories treated of in the present treaty, whatever may be their nature or origin. The Government of Chile is equally exonerated from the obligations contracted by the 6th clause of the treaty of truce; absolutely free as regards the dues collected by the Arica custom-house, and Bolivia has the right to establish her custom-houses where, and in the form that, may appear convenient to her.

ARTICLE IV

In the case of difficulties arising with regard to limits between the two countries, the high contracting parties shall appoint a commission of engineers that shall proceed to mark out the frontier, on the disputed ground, determined by the first Article of the present treaty. In the same way shall be established the limits that exist, or the establishment of such as require fixing between the former department, now a Chilean province, of Tarapaca, and the Republic of Bolivia. If there should unfortunately arise any disagreement between the engineers occupied in the demarkation, that cannot be arranged by the two governments directly, the question shall be submitted to the arbitration of a friendly power.

ARTICLE V

The ratifications of this treaty shall be exchanged within the term of six months, and shall take place in the city of Santiago.

In witness of this the Minister for Foreign Relations of Chile, and the Extraordinary Envoy and Minister Plenipotentiary of Bolivia have signed and sealed with their seals, in two copies, the present treaty of peace and friendship, in the city of Santiago, the eighteenth of May, one thousand eight hundred and ninety-five.

(Signed.)

LUIS BARROS BORGONO,
H. GUTIERREZ.

The ratifications of this treaty were exchanged in Santiago on April 30th, 1895.

The treaty of transference is of the following tenor:

SPECIAL TREATY UPON THE TRANSFERENCE OF TERRITORY

The Republic of Chile and the Republic of Bolivia, for the purpose of strengthening yet more the ties of friendship that unite the two nations, and in accordance with the high necessity that the future development and commercial prosperity of Bolivia require of a free and natural access to the sea, have determined to make a special treaty regarding transference of territory, and for this object have named and appointed their Plenipotentiaries, namely:

His Excellency the President of Chile appoints Mr. Luis Barros Borgoño, Chilean Minister for Foreign Affairs, and his Excellency the President of Bolivia appoints Mr. Heriberto Gutierrez, Envoy Extraordinary and Minister Plenipotentiary of Bolivia, in Chile, who after having exchanged their full powers, and having found them in good and due form, have accorded the following bases:

I

If in consequence of the plebiscite that should take place in conformity with the treaty of Ancon, or by means of direct

arrangements, the Republic of Chile should acquire permanent dominion and sovereignty over the territories of Tacna and Arica, Chile incurs the obligation of transferring them to the Republic of Bolivia in the same form and with the same extension with which they are acquired, without prejudice of that which is established in Article II:

The Republic of Bolivia shall pay, as indemnity for said transference of territory, the sum of five million silver dollars weighing 25 grammes each, and of nine-tenths fine silver; there being given as a special security for this payment 40 per cent. of the gross income of the Arica custom-house.

II

If the cession contemplated in the preceding Article takes place, it is understood that the Republic of Chile advances her frontier north of Camarones to the valley of Vitor, from the sea to the limit that now separates that region from the Republic of Bolivia.

III

In order to realize the purpose announced in the preceding Articles, the Government of Chile promises to employ all her efforts, either separately or together with Bolivia, to obtain definite possession of the territories of Tacna and Arica.

IV

If the Republic of Chile cannot obtain by the plebiscite, or by direct arrangements, the definite sovereignty of the zone in which are situated the cities of Tacna and Arica, she promises to cede to Bolivia the cove of Vitor, as far as the valley of Camarones, or another analogous one, and moreover the sum of five million dollars, of the weight of 25 grammes, and nine-tenths of fine silver.

V

A special arrangement shall determine the precise limits of the territory to be conceded, in conformity with the present treaty.

VI

If the cession be made in conformity with Article IV, and in the zone ceded there be found or discovered in the future, deposits of nitrate, these deposits cannot be worked or transferred till after all the nitrate deposits existing in the territory of Chile be exhausted; except, that by a special agreement between the two governments another method be stipulated.

VII

This treaty, that shall be signed at the same time as those referring to peace and commerce, adjusted between the same republics, and shall be maintained in reserve, and cannot be published except by an agreement between the high contracting parties.

VIII

The ratification of this treaty shall be exchanged within the term of six months, and this exchange shall take place in the city of Santiago.

In witness of this the Chilean Minister for Foreign Affairs and the Envoy Extraordinary and Minister Plenipotentiary of Bolivia signed and sealed the present special treaty, in the city of Santiago, on the eighteenth of May, one thousand eight hundred and ninety-five.

(Signed.)

LUIS BARROS BORGONO,
HERIBERTO GUTIERREZ.

On the same day, May 18th, 1895, and by the same Plenipotentiaries, Messrs. Barros Borgoño and Gutierrez, a treaty of commerce between the two republics was concluded and signed, based upon considerations of ample and reciprocal liberty, that secures to the citizens of each nation, resident in the territory of the other, occupied in commerce and industry, the same rights as the citizens of the country, without their being subject to any different or higher taxes than those imposed upon the citizens of the country; and liberating from

import duties the products of either country upon its importation into the other.

A protocol was finally added to the treaties of May, entitled "On the Liquidation of Credits," that settled the conditions on which sundry credits against the Government of Bolivia should be paid; some of these being taken into consideration in the treaty of truce, others affecting the territory over which Chile acquired sovereignty, in virtue of the 2d Article of the treaty of peace and friendship.

XIV

ADDITIONAL AND ILLUSTRATIVE PROTOCOLS

(Dec. 9th, 1895, and April 30th, 1896.)

Article 4 of the treaty of transference of territory, by which Chile, in case she could not obtain the sovereignty of Tacna and Arica, promised to give "The cove of Vitor or another analogous one," not appearing to Bolivia to be clear enough, and to secure the conditions that, in the opinion of the Bolivian Government, should exist in the port and coast provided, an additional protocol was drawn up between that Government and our Ambassador in Bolivia.

PROTOCOL OF DECEMBER 9TH, 1895, UPON THE EXTENT OF THE OBLIGATIONS CONTRACTED IN THE TREATIES OF MAY 18TH

There being assembled, in the Ministry for Foreign Affairs, his Excellency the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile, Mr. Juan G. Matta, and the Minister for Foreign Relations and Religion, Doctor Emeterio Cano, fully authorized by their respective governments, and with the objects of fixing the extent of the obligations consigned in the treaties of May 18th of the present year, and of the complementary protocol of the 28th of the same month, they decided and agreed:

1st. That both contracting parties make of the treaties of peace and of transference of territory a whole and individ-

ual one, and that the stipulations be reciprocal and integrant, the ones with the others.

2d. That the definite concession of the coast of Bolivia in favor of Chile shall be void, if Chile does not deliver up to Bolivia, in the term of two years, the port on the Pacific coast spoken of in the treaty of transference.

4th. That if, in spite of all efforts, Chile cannot obtain the said port and territory, and the case arrives of complying with the other conditions of the pact, delivering Vitor or another analogous cove, the obligation of Chile shall not be considered as fulfilled until the delivery of a port and zone that amply satisfies the present necessities and future needs of the commerce and industry of Bolivia.

5th. That Bolivia will not recognize credits, or responsibilities of any kind, arising from the territories transferred by Chile.

The points mentioned being perfectly agreed upon this protocol was signed and sealed, in two copies, at Sucre, December 9th, 1895.

(Signed.)

JUAN GONZALO MATTA,
EMETERIO CANO.

PROTOCOL

OF APRIL 30TH, 1896, ILLUSTRATIVE OF THAT OF DEC. 9TH, 1895

There being assembled in the Foreign Office of Chile the Minister of that department, Mr. Adolfo Guerrero, and the Plenipotentiary of Bolivia, Mr. Heriberto Gutierrez, and after taking into consideration the difficulties that have arisen in order to exchange the ratifications of the treaties and supplemental protocols signed respectively in this capital, on May 18th and 28th, 1895; on account of the protocol of May 28th, treating of liquidation of credits, not having till now been approved by the Bolivian Congress, and neither has the protocol drawn up at Sucre, on December 9th, been approved by the Government and Congress of Chile, and with a desire to cause these difficulties to disappear and to establish an agreement with respect to the one and to the other point, they have agreed upon the following:

1st. The Government of Chile approves, on its part, the protocol of December 9th, 1895, that ratifies the principal compromise of transferring to Bolivia the territories of Tacna and Arica, the 4th clause of which, with relation to Article IV of the treaty of transference, of May 28th, that ordains the giving over of Vitor or another analogous cove, as a port sufficient to satisfy the necessities of commerce, that is to say, with an anchorage for merchant vessels, with land where a mole and government buildings can be erected and with space to establish a town, that, by means of a railway to Bolivia, may answer for the fiscal and economical service of that country.

2d. The Government of Bolivia will submit to the approbation of the Congress of that Republic the protocol relating to liquidation of credits, signed at Santiago on May 28th, 1895, as also the explanation referred to in the preceding Clause, determining the signification and extent of Clause 4 of the protocol of December 9th of the same year.

3d. The Government of Chile will solicit the corresponding approbation by Congress of the protocol mentioned, dated December 9th, with the aforesaid explanation, as soon as the Government of Bolivia shall have approved it.

4th. There shall be exchanged, in this city, the ratifications of the convention of May 28th, 1895, respecting liquidation of credits, and that of December 9th, with the explication contained in the present arrangement, within the term of the sixty days following the date of the approval by the Chilean Congress of these last protocols.

In faith of which the present protocol was signed in two copies, at Santiago, on the 30th of April, 1896.

(Signed.)

ADOLFO GUERRERO,
H. GUTIERREZ.

The greater part of the foregoing treaties have merely served to humor Bolivia, because Chile only approved the two principal ones, leaving the others undecided. And in this manner, as Bolivia was actuated by her desire to obtain at any price an outlet to the Pacific, her policy drifted toward Chile until recently, when the Chilean Senate resolved to

return to the Executive the said treaties "that it may obtain the solution desired upon different bases to those already proposed and approved."

IX

THE MISSION OF SEÑOR LIRA

1895

A change of government in Peru, in March, 1895, prevented Señor Ribeyro from returning to Chile to resume his negotiations. In the meanwhile, and until a general election took place, the government of Peru was vested in a Junta of five prominent citizens, Señor Manuel Candamo being its President and Minister of Foreign Affairs.

As their tenure of office was transitory they could hardly be expected to undertake the negotiation of the very delicate and complicated affair with Chile, but as the Chilean Government had sent Señor Maximo R. Lira as its Minister and he professed a desire to confer with Señor Candamo, he was naturally given a hearing.

This desire of Señor Lira was the result of a visit to Chile, because prior to his departure he had expressed to Señor Candamo that he would await until the inauguration of the new President in September.

The negotiations of Señor Lira lasted five months. Their special feature was that they were not based on anything that had been discussed before; the whole thing was typical of Chilean diplomacy.

Instead of taking up the negotiations at the point where Señor Ribeyro left them and which would have been the natural course to pursue, especially as Señor Barros Borgoño, the then Minister of Foreign Affairs of Chile, had intimated to Señor Ribeyro that he was quite disposed to do, Señor Lira impudently proposed the definite annexation of Tacna and Arica to Chile by a direct agreement with Peru. Señor Candamo stated that his country could not accept this and that he was only willing to discuss the terms for determining the plebiscitum as stipulated in the treaty of peace and that

their first consideration should be to determine the authority that should preside over this.

It is evident that if the Chilean representative had been willing to help the negotiations he would have entered into the spirit of the question in a manner harmonious to its precedents. But instead he made difficult every step and embarrassed their smooth course by raising objections and enforcing conditions that out of delicacy he should not have brought into the discussion.

Señor Lira stated that before discussing the manner of determining the plebiscitum it would be more expedient to know how the payment of the ten million soles was going to be undertaken. In this manner he intended to subordinate the accessory to the principal and obstruct for a time the progress of the negotiation.

The Chilean Minister's proposal was to the effect that a month after the publication of the result of the plebiscitum, Chile, if this was adverse, would return the provinces to Peru and Peru should pay the indemnity. In the case that Chile should be favored, the same obligation would be binding on her, and that to this effect the payment should be duly guaranteed beforehand.

Señor Candamo replied to this, that in strict compliance with the treaty of peace proper *terms* and *dates* should be given for the payment, to which Señor Lira said, that these could as well mean one day as several years and that his country wished that the delay should not be greater than one month.

The discussion on this point was well in harmony with Chilean traditions. Peru had just been convulsed by a civil war, the provisional Junta in office was exerting every nerve to put the country on its feet once more, and it may not be out of place to state here that the exertions of those first days and the patriotism of the men who formed it has seen its reward in the present financial condition of the country.

But Chile was aware of the financial embarrassments of the day and she felt it her duty to try to make them more palpable.

Señor Candamo, with his characteristic pretence of mind, turned the tables on his Chilean interlocutor, suggesting that both countries should waive the money indemnity. As was to be expected, the Chilean representative refused compliance, claiming that, by doing so, they would depart from the spirit and letter of the treaty. Pressed by the inflexible attitude of Señor Lira, Señor Candamo finally declared that Peru would pay the indemnity, *ipso facto*, on the determining of the plebiscitum, but that the question to be discussed was not the mode of payment but the plebiscitum itself. It was then that Señor Lira proposed that a term of three months should be granted for the payment, but that Chile required that a guarantee should be given her, especially as she intended giving one.

Here was another stumbling block, not that Peru could not offer a suitable guarantee, but because none would appear suitable to Chile; her earlier objections and her whole policy in the matter of the protocol having proved that she was unwilling to abide by the stipulations of the treaty of peace.

Nevertheless, the Peruvian Minister stated that the government was authorized to raise a loan of ten million soles, and that by special law for its service the salt monopoly had been contracted, which would yield a yearly income of at least one million soles, and that besides the revenues of the Callao customs would be set aside; that this revenue constituted the most secure income of the Republic; adding, as a last guarantee, the right of Chile to retain possession of Tacna and Arica until the payment should be made to its entire satisfaction.

Señor Lira was not satisfied or convinced, and it is doubtful that he would have been even if Señor Candamo, following the traditions of the unfortunate Inca Atahualpa, had filled a room with the silver coin and thus made up the required sum; he would still have found in his fecund imagination some objection to such a guarantee.

The fact is that after several conferences, and some five months of labor, the plebiscitum was as distant as ever, but meanwhile Chile had buoyed the hopes of the Bolivian diplo-

matists, to whom she had offered, by the treaties of territorial transfer, that she would do everything to obtain possession of Tacna and Arica so as to hand it to them.

X

OTHER CONFERENCES

It will be certainly surprising to know that notwithstanding the successive rebuffs the Peruvian Government had received from Chile, and as it was pretty clear that Chile was unwilling to treat in an honest manner with Peru, the latter should still persist in its attempts to reach a solution of the conflict.

In order to understand this stubbornness it is well to consider that Peru since the war of 1879 has had only one and the same foreign policy, and that Chile, by reason of its many international questions, has had a very shifty policy with respect to her neighbors and to questions at issue with each of them. So that, although Peru was aware that Chile was in no hurry to abide by the treaty of peace pure and simple, still she did not know what might not be Chile's special mood at a given moment, and for this reason it was always wise to be on the *qui vive* and ready to grasp a favorable occasion should the circumstance ever arise.

Several months later, that is to say about the middle of 1896, a new Peruvian Minister of Foreign Affairs was at the helm, and he, like his predecessors, wished, if possible, to bring about the much desired reincorporation of the captive provinces with the mother country. Following precedents he invited Señor Lira, who was still at Lima, to renew the negotiations. The reply was far from encouraging; it stated that while quite willing he felt it his duty to declare that his former instructions had not been modified. This seemed to shut out any possibility of agreement, but evidently Señor de la Riva Agüero wished to probe the situation, and a conference was the result, wherein the whole ground was gone over again in a general manner.

The inauguration of a new Presidential term in Chile, a few days later, and an order from the new government to suspend everything until it should have outlined its policies, occasioned an enforced rest to the negotiations, a rest that was unusually long this time because the weather-cock of Chilean diplomacy had again turned in the direction of Bolivia, the treaties with whom were now undergoing the process of a thorough and crucial examination by Congress.

This state of affairs was continued until August, 1897, when Señor Vicente Santa Cruz arrived at Lima as Chilean Plenipotentiary. By this time the Bolivian treaties had raised quite a storm in Chile. Not because of any sense of their injustice, nor because they were aimed against Peruvian interests, but because Bolivia was not considered sufficiently strong to be either utilized or feared in the event that the then very strained relations with Argentine should take an ugly turn. The press, a pretty exact barometer of the state of public opinion, gave vent to this feeling, and several organs openly advocated an early settlement with Peru.

Six months later, the necessity of such a settlement was the theme of discussion on every hand; it constituted the new Chilean policy.

When Señor Santa Cruz arrived in Peru, the government, actuated by this new turn in Chilean sentiment, quite naturally tried to make the most of it, and proposed a direct settlement on the basis of the return of the provinces to Peru. The offer was yet premature, Chile was not prepared to entertain it, and consequently it was not accepted.

Therefore, as a preliminary, Señor Riva Agüero proposed that the Peruvian districts of Tarata, Estique and Tamacachi, which Chile had arbitrarily included in the provinces of Tacna and Arica, should be excluded from the plebiscitum. This was refused likewise, the Chilean diplomatists maintaining that they *did* form part of the territory spoken of in Clause III of the Treaty of Ancon.

It has already been shown in a previous chapter how their occupation had been carried out, and that Peru had always protested against it.

Señor Santa Cruz next offered to acquiesce in this and to allow Peru to advance her frontier as far as the valley of Chero if Chile would be allowed to advance hers as far as the valley of Vitor, a suggestion that was refused by Peru, and after this all further negotiations were dropped for the time being.

Chile maintains that Peru's action in refusing to entertain the last-named proposition was due to the fact of the strained relations with Argentina; the truth of the case is that Peru was naturally anxious to learn the real state of affairs between Chile and Bolivia, the several treaties between whom had just been published in Buenos Ayres, when they were intended to be kept strictly secret.

XI

THE BILLINGHURST-LATORRE PROTOCOL

We have just mentioned that six months after the arrival of Señor Santa Cruz a radical change had taken place in Chile, and it was no longer a question of courting the favors of Bolivia, but it was Peru who was now in the ascendancy of public favor.

Señor Egaña says: "It is worthy of note that in the whole course of the debates upon the protocol of the plebiscite, the attitude of the Peruvian diplomacy normally followed the steps of the question of limits between Chile and the Argentine Republic; greater demands when a conflict appeared probable; relinquishment or at least modification of them when this expectation vanished."

We are of opinion that this would apply rather to the attitude and policy of Chile. And such an inference is quite natural from the following passage in Señor Egaña's book, who thus contradicts his former statements: "The protocol Billinghurst-Latorre is the reverse of the treaties of May. By the latter Chile cedes to Bolivia the territories of Tacna and Arica, by the former they are ceded to Peru. These fluctuations are reflections of the opposing spirit among our pub-

lic men, called "*Peruvian politics*" and "*Bolivian politics*," and they were produced until the day on which our government, convinced of the uselessness of sacrifices without results or compensation, resolved to oppose against those sterile currents a definite and stable criterion, the vigorous and *strait* current with a known direction, the "*Chilean politics*."

And this is borne out by the facts of the case. The war with Argentine appeared impending. Peru, notwithstanding her no navy and her small military power, was worthy of attention; she had to be neutralized. And to this effect the so-called "*Peruvian politics*" were made use of. Chile knew that Peru's aspirations lay in the direction of Tacna and Arica, and, therefore, she decided to humor her.

A private and confidential agent in the person of Señor Maximo Flores was sent to Lima to ascertain the views of the Peruvian Government, and at the same time Señor Guillermo Billingham, First Vice-President of Peru, who was at his home in Iquique, was seen by important Chilean personages eager to bring about an understanding with Peru.

The outcome of these *pourparlers* was the appointment by Peru of Vice-President Billingham as Special Envoy to Chile, with full powers to settle the long-standing controversy.

Señor Billingham was well adapted for the mission, because apart from his high office, being a native of Tarapaca and a wealthy nitrate owner, he had always been in touch with the Chileans whom he knew perhaps better than any other Peruvian; besides, he had lived on several occasions in Chile and had many personal friends in that country.

From the moment of his landing at Valparaiso he was the object of the most gushing attentions; the press welcomed him as a herald of peace, and made it appear as if Chile was really eager to reach a settlement.

The subsequent history of this affair will show what was the real value of all this hysterical enthusiasm, and to what small extent it was prompted by a sense of honor, but how much of it was due to the war clouds that were gathering on either side of the Andes.

THE CONFERENCES

The clouds were thick and heavy, but they might yet be blown away; such had happened in the past, and history repeats itself.

Chile was not going to let Peru imagine that her new policy was based on any sentiment of fear; that would never do. She must, therefore, be as stubborn as ever, and only moderate her pretensions after she had made Peru feel that she is still the same Chile as of yore.

It is not surprising, therefore, to read in the minutes of these conferences, that at their outset Señor Silva Cruz, the Chilean Minister of Foreign Affairs, should resort to the same high-toned policy of his predecessors, and attempt a direct settlement on the basis of the definite cession of the territory to Chile, who in exchange would increase the original amount of the indemnity.

Señor Billinghurst flatly refused to entertain such a proposition. He stated that no government in Peru would ever sanction it, and that, therefore, it was idle to make it. He reminded the Chilean Minister that this question of the reincorporation of Tacna and Arica was uppermost in the minds of his countrymen—that it constituted the national aspiration of all classes and of all parties.

Señor Silva Cruz next proposed that Peru should cede the province of Arica to Chile, and remain with the province of Tacna, and that there should be no indemnity on either side.

Señor Billinghurst opposed this form of settlement. He demonstrated how unreasonable it was, and how very unfair to Tacna. In defense of his proposition Señor Silva Cruz stated that on other occasions Peru had been willing to treat on the basis of a partition of the territories, and that if the division that he had just proposed was not acceptable to Peru, he would now propose a definite settlement on the basis of a former division which, according to the precedents of the case, had been accepted by Peru, viz., that Peru shall advance her frontier to Chero; Chile hers as far as Vitor; that the plebiscitum be determined in the center zone, and the indemnity reduced to four million pesos.

The Peruvian Envoy, while accepting the statement of Señor Silva Cruz, declared that public opinion in Peru had been against such a form of settlement in the past, and that now that the treaties between Chile and Bolivia respecting this matter were known, this idea was completely out of the question, and would not be entertained for reasons of another and higher order affecting the sensitiveness of national dignity, so that he could assure his Excellency that no Government of Peru would dare to cede even an inch of the territories of Tacna and Arica, outside of the terms of the treaty of peace.

Señor Silva Cruz observed that he greatly deplored that there should be no means of reaching a direct settlement, but that he felt convinced, after what he had just heard, that such was the case; and that he deplored to see that Peru was not willing to accede to a form of settlement by which the said territories would not be ceded to Bolivia by Peru, but by Chile. He begged Señor Billingham to still consider his proposition and to delay his final answer for a few days.

When the negotiations were resumed, the Peruvian Envoy reiterated his statements of the last conference, and expressed the wish that their new conferences should be in accordance with the stipulations of the treaty of peace, and so as to reach the desired settlement on the basis of that convention.

Señor Silva Cruz, on his hand, reiterated the wish of his government to reach a definite solution of the controversy, stating that Chile had always been mindful of their mutual interests, and that the efforts that she had made toward a direct settlement were proofs of this, but that if this could not be done he was prepared to enter into a discussion of the terms of the plebiscitum as prescribed by Clause III of the treaty of Ancon, a question which his government had never tried to elude, as is proven by the fact that the representatives of Chile in Peru have never failed to have instructions in reference thereto.

When the question was again taken up the Chilean Minister proposed that the territory should be divided into three

sections, and a separate plebiscitum taken in each. Señor Billinghurst refused to accept this, on the ground that such was not the spirit or the letter of the treaty of peace. A like refusal was served on the next proposition to have a separate plebiscitum of each of the two disputed provinces. So finally, the question was taken up as suggested by Señor Billinghurst.

The discussions were to be taken up in the following order:

1st. Who have a right to vote?

2d. Should the vote be secret or public?

3d. Who shall preside at the plebiscitum and decide all questions of difference?

4th. The terms and conditions of the payment of the indemnity by the nation who shall remain in possession of the territory; and,

5th. What guarantee shall be given for said payment?

Several conferences were held without the Ministers being able to agree on the three first points, the Chilean view being that all the people inhabiting the territory, irrespective of nationality, should have the right to vote, and that this should be secret. Peru contended that only the natives born in the territory or resident therein should be allowed to vote, and that this should be public.

No agreement being possible, it was settled by common accord to refer these points to the decision of a friendly power.

At subsequent meetings it was arranged that her Majesty the Queen Regent of Spain be invited by both governments to arbitrate the points upon which they had failed to agree, and that the special envoys of the two nations accredited for this purpose to Spain shall present their respective cases and ask that a prompt decision be taken.

The other points of procedure having been discussed, the whole of the proceedings except the discussions were set forth in the convention that was drawn up, each Minister keeping a copy thereof.

At the next meeting the following convention was duly signed by the Plenipotentiaries of Chile and Peru.

PROTOCOL BILLINGHURST-LATORRE

The Governments of the Republic of Chile and of the Republic of Peru, desirous of arriving at a definite solution with regard to the dominion and sovereignty of the territories of Tacna and Arica, in conformity with the treaty of peace of October 20th, 1883, and also desirous of strengthening the relations of friendship between the two nations by eliminating a question that has preoccupied them for a long time past, after examining and approving their credentials, have agreed upon the following convention, designed to facilitate the carrying out of the Article III of the aforesaid treaty of October 20th, 1883:

ARTICLE I

There shall be submitted to the decision of the Government of her Majesty the Queen Regent of Spain, whom the high contracting parties designate in the character of arbitrator, the following points:

1st. Who have a right to vote at the plebiscite, that shall decide the permanent sovereignty and dominion over the territories of Tacna and Arica; determining the requisites of nationality, sex, age, civil condition, residence, or any others, that should qualify the voters.

2d. If the votation for the plebiscite should be public or secret.

ARTICLE II

A directive assembly, composed of a representative of the Government of Chile, of a representative of the Government of Peru and a third person appointed by the Government of Spain, shall preside the elections and take such resolutions as may be necessary to carry out the plebiscite. The president of the assembly shall be the person appointed by the Government of Spain.

The duties of this assembly are:

1st. To draw up and publish a general register of all persons that are entitled to vote.

2d. To decide all difficulties, doubts and questions that

may arise connected with the inscriptions, votations and other acts of the plebiscite.

3d. To practice a general scrutiny of the votes, in view of the partial result obtained at each of the places fixed upon to receive votes.

4th. To proclaim the general result of the votation, immediately communicating this result to the Governments of Spain, Chile and Peru.

5th. To give all necessary orders and instructions for the due realization of the plebiscite, determined upon by the present convention.

All the resolutions of this assembly shall be determined by majority of votes. In case of difference, the casting vote of the member named by Spain shall decide.

ARTICLE III

Not later than forty days after the arbitration has pronounced a decision, as determined by Article I, the Governments of Chile and Peru shall proceed to name their delegates. The directive assembly shall be installed in the city of Tacna and commence its duties within the term of ten days after the arrival at that city of the third delegate, named by Spain.

ARTICLE IV

There shall be four offices for inscription: one at Tacna, one at Tarata, one at Arica and the other at Lluta.

At each office there shall be a commission composed of:

- 1st. A commissioner of the Chilean Government;
- 2d. A commissioner of the Peruvian Government; and
- 3d. A commissioner, named by the directive assembly of the plebiscite, who shall preside the commission.

These commissions shall be installed, at the latest, eight days after the installation at Tacna of the directive assembly, and shall carry out their functions during forty consecutive days, from ten in the morning until four in the afternoon. At the end of each day's work a minute shall be drawn up, signed by all the members, stating the number, expressed in letters,

not figures, of persons inscribed during the day. The leaves of the register in which the inscriptions are made shall also be signed ("*rubricadas*") by all the members of the commission.

Resolutions of the inscribing commissions shall be resolved by majority of votes, and are subject to appeal, to be made to the directive assembly.

The inscribing commissions shall enroll in the registers all persons who ask to be inscribed, and who have a right to vote according to the resolution of the arbiter, named in Article I; and there shall be delivered to them a certificate of inscription, that must be produced at the time of voting.

Whenever the commission refuses to inscribe a person, there should be noted in the minutes of the day the name of the person and the cause of exclusion.

The person excluded has a right to receive a copy of that part of the minutes referring to his exclusion, signed by the members of the inscribing commission.

Forty-eight hours after terminating their functions, at the latest, the inscribing commission shall deliver the registers and other original documents to the directive assembly.

ARTICLE V

The directive commission shall determine, in conformity with the arbitral resolution, the means by which the possession by voters of the conditions required may be proved.

ARTICLE VI

The directive commission shall publish the registers within ten days after their reception, the names to be arranged alphabetically. This publication shall be made in the newspapers of Tacna and Arica, and in a separate form, to be posted in public places at Lluta and Tarata.

During the fifteen days following the said publication, the persons that have not been allowed to inscribe themselves and any person who wishes to prove undue inclusion of persons in the register, may present themselves before the directive commission. After this date no reclamation

will be admitted, and the register is definitely formed with the modification that the directive assembly may have made; all which shall be immediately published in the form indicated in the first clause of this present Article.

ARTICLE VII

Ten days after the closing of the definite register the functions of the commissions encharged with the reception and scrutiny of the votes shall commence.

These commissions shall be composed of the same persons that have formed the inscribing commissions, and shall carry out its functions during ten consecutive days, from nine in the morning until four in the afternoon, in the same places aforementioned, namely: Tacna, Arica, Tarata and Lluta; and shall form its resolutions by majority of votes, any appellation to be made before the directive commission.

Each voter, at the time of voting, shall present the certificate that he received upon inscription, which shall remain in the possession of the commission, with a note, stating that it is cancelled, signed by all the members of the commission.

In exchange for this the voter shall receive a written certificate that he has voted. Each day the result of the votations shall be drawn up in an act, in three copies, each of them to be signed by all the members of the commission, and one copy shall be kept by each member.

ARTICLE VIII

Three days after the termination of the votation, at latest, the commission shall deliver up to the directive assembly of the plebiscite the acts and other documents of the partial votations.

ARTICLE IX

Six days after the termination of the votation the directive assembly shall proceed to make the general scrutiny from the partial acts, in public session, and in one sole act, till the proclamation of the result.

ARTICLE X

The directive assembly shall enjoy complete independence in the exercise of its duties, and has the right to demand from the authorities the assistance of public force to keep order, and to permit full liberty in carrying out the plebiscite.

ARTICLE XI

Neither the directive assembly nor the commissions for inscription or reception of votes can carry on its duties in the absence of any of the members composing it. If any member of the commissions for inscription or receiving votation, on the days during which it should carry on its functions, should be unable to assist, he shall be replaced by a person, named by the representative of the government that had named the absent member, with exception of the president of a commission, whose replacement corresponds to the directive commission.

ARTICLE XII

If the result of the plebiscite be favorable to Peru, the representatives of the Government of Chile shall deliver over to the Peruvian authority the territories of Tacna and Arica in the *maximum* term of fifteen days.

ARTICLE XIII

The Arica custom-house shall furnish funds for the expenses occasioned by the carrying out of the plebiscite in the territories of Tacna and Arica.

ARTICLE XIV

The fact of the appointment of a commission to make inscriptions and to receive votes at Tarata, accorded in the preceding Articles, does not imply a renunciation on the part of Peru, as regards the pending reclamation of Peru, concerning that part of the territories, nor does this imply the

purpose of pretending to claim any indemnification for the period during which Chile has occupied it.

ARTICLE XV

The indemnity of ten million dollars, imposed by Article III of the treaty of October 20th, 1883, shall be paid by the country that becomes the possessor of the provinces of Tacna and Arica in the following manner: one million within the term of ten days, dating from the proclamation of the general results of the plebiscite; another million one year afterwards, and two millions at the end of each of the four following years.

These sums shall be paid in Peruvian silver *soles*, or in Chilean silver money, such as circulated at the time of the signature of the treaty of October 20th, 1883.

ARTICLE XVI

The total sum produced by the Arica custom-house shall be subject to the payment of the indemnity referred to in the preceding Article.

ARTICLE XVII

Within the term of sixty days from the date of the ratification of this present convention, the diplomatic representatives of the Republic of Chile and of the Republic of Peru accredited to the Court of Spain, shall jointly solicit of that government the acceptance of the arbitration referred to in Article I, and the appointment of the delegate referred to in Article II.

ARTICLE XVIII

Within the term of forty days, counting from the date on which the arbiter accepts the charge, each of the high contracting parties shall state its rights in a written document that shall be presented by its ambassador, in order that by this, and considering the conditions of the treaty of October 20th, 1883, and those of the present convention, a sentence be pronounced.

three important points did not in the least worry the Peruvians, because they felt confident of the impartial verdict.

The history of international plebiscitums was there to strengthen this belief. On every occasion upon which an appeal had been made the natives of the territory had been the sole voters and it could not be otherwise in the present case.

In due course the protocol was submitted to the Peruvian Congress and approved by it, although it gave rise to some discussion, there being several Deputies and Senators who felt that Chile was not sincere and that this convention was but a blind on her part to allay Peruvian mistrust and to secure her neutrality in the possible event of a war with Argentina. Senator Candamo, leader of the most influential political party and President of the Senate, was among those who took this decided view, a view which time has shown to have been correct.

But, this notwithstanding, as the country was eager for the plebiscitum the convention was approved. The Diplomatic Committee of Congress in its report established the reasons for this approval. They were based upon the necessity of avoiding a recurrence of the Schleswig plebiscitum, which having been indefinitely delayed by Prussia, had resulted in a *de facto* annexation of the territory, and, therefore, the committee was of opinion that it was preferable to abandon the idea of convincing one who wished to delay a settlement, and, to that end, perpetually carries on fruitless negotiations, and, to accept the arbitration of an impartial umpire.

Undoubtedly these considerations, together with the fact that the humane principle of adjusting differences by arbitration had been invoked, influenced the Peruvian nation to accept the form of settlement as set forth in the protocol, and to waive the undeniable right which assisted her of demanding that the plebiscitum should be determined solely by the natives of the territory and in a public form.

The exclusion of all foreigners from voting at a plebiscitum is derived from three distinct and precise considerations:

(a) From their condition of members of a different community;

(b) From the immutability of their rights and obligations, notwithstanding the annexation; and,

(c) From the effects which this has on the nationality of the natives.

Señor Carlos Wiese, a Peruvian writer, at one time Under-Secretary of Foreign Affairs in Peru, has contributed some very interesting and powerful arguments to this question in his two recent publications, "Who Have a Right to Vote" and "Annotations on the Plebiscitum." After mature study, and a very careful research among the works of all ancient and modern jurists, he comes to the conclusion that the right to vote at a plebiscitum only belongs to the natives of the territory in dispute, and to the citizens of the original owner of the territory, if qualified by the laws of his country to exercise such rights of citizenship.

And Señor Cesar Belaunde, a student at the University of Chile, presented on the occasion of taking his degree in the faculty of Law and Political Science, a very comprehensive study on "Plebiscitums and Their Application in International Law." Señor Belaunde, the same as Señor Wiese, is a native of Tacna, and his action in undertaking such a question on a momentous occasion in his life is worthy of encomium. With a courage born of true patriotism and strengthened by the conviction that he was defending a noble cause, he presented to his Chilean examiners a most complete study of the question, arriving at the only possible conclusion, viz., that only the natives of the captive provinces had a right to vote.

And against the testimony which these two sons of Tacna array, what do the Chilean writers present? Señor Rafael Egaña and Señor Salas Edwards merely uphold that the right of vote belongs to them equally with the Peruvian and foreign residents, and they base this right not on international law, not on precedents, but on their own selfish interests. The following is a sample of their reasoning: "It is a matter of strict justice to recognize the right to vote in the plebiscite of all Chileans, Peruvians and persons of what-

ever origin, permanently established in those territories, who, in conformity with modern public law, and with the very laws of Chile and Peru, would be entitled to exercise political rights in each of those countries. To proceed in any other manner would be to reject all the liberal conquests of modern legislation and to repudiate the principles adopted by the legislation of those countries themselves."

To prove to what an extent this reasoning is incorrect, it is well to study before proceeding any further which are the laws of citizenship governing both countries.

In Chile, as well as in Peru, the native-born and the sons of native parents born abroad, but who are duly inscribed in the civic registers or the consulates, are considered as natives. In both countries all *natives* who have attained the age of twenty-one are citizens.

Naturalized citizens in Peru are those foreigners over the age of twenty-one who have resided two years in the country and have had themselves inscribed in the civic registers according to law; in Chile, a residence of one year is required, and, of course, the registration before the proper authority.

In both countries only its citizens have political rights. And finally, in both countries, no foreigner, no matter how long he has resided therein and no matter how much real estate he may possess, obtains any of the privileges of political rights.

If, therefore, no foreigner is entitled to have political rights in Chile or in Peru, how can the Chileans pretend that they should have the right of vote at a plebiscitum in which a right of sovereignty is exercised?

A plebiscitum is a political act, and as such it is only open to those who are in possession of political rights in the territory wherein it takes place.

The Chilean writers would seem to make believe that foreigners have political rights in both countries; this is not true, as has just been shown, but they pretend that the laws of naturalization being so simple in both countries, all the foreigners can very easily acquire the political rights of citizens

and that, therefore, they should not be excluded from voting at the plebiscitum.

Now, as regards the Chilean residents in Tacna and Arica, they cannot on any account expect to have the right of vote, because international law does not give them that right, as we shall now establish, basing this assertion on actual historical facts and precedents.

Señor Carlos Wiese, to whom reference has already been made, published at Lausanne, Switzerland, in 1898, his "Annotations on the Plebiscitum." This important book was written in the form of an exposition of the Peruvian case to be presented to the arbitrator, H. M. the Queen Regent of Spain. It is written in a clear and diplomatic style and presents the Peruvian case in its true nature. He goes thoroughly into the history of the plebiscitums from their origin, and supports every one of his statements with historical facts and quotations from jurists of repute.

From the pages of his book we will now freely quote the following passages. He says:

"In the first place, the foreigners who come into a territory are not entitled to political rights, a privilege that is a consequence of citizenship; but as a compensation they remain under the protection of their respective governments, which places them, very often, in a privileged condition, and they retain in principle the right to exercise in their own countries the political and municipal prerogatives that do not depend on their domicile. The obedience of a foreigner to his native land is furthermore made evident by the *jus avocandi*, in virtue of which he may be called upon to serve his flag when the laws of his country order it.

"No union exists between the foreigners and the territory in which they may reside—they have no restrictions as to coming and going, but they may be enforced to leave it in certain cases. If, therefore, the foreigners form part of a different political community, what intervention can be given them, juridically speaking, in the determination of a plebiscitum?

"In the second place, both before and after the taking of a plebiscitum, the foreigner remains attached to his own

native country, and consequently, as far as he is concerned, there is no change in his relations toward the sovereign of the land, because no matter who this may be the foreigner retains the same juridic condition as before, with all the rights which international law concedes to foreigners in civilized countries. Under these conditions the foreigner is obliged to remain an impartial spectator of the political evolution which is being consummated by the taking of the plebiscitum, the same as he would be in the case of any other manifestation of political sovereignty exercised by the nation in whose territory he resides. The treaty between the disputing States must be regarded by the foreigners as a *res inter alios acta*, inasmuch as his country has not been a party thereto, by the person entitled to represent it.*

Res inter alios acta aliis nec nocet prodest.

“Lastly, the intervention of foreigners at the holding of a plebiscitum would imply such an injustice, that this sole consideration would suffice to withdraw from international practice this peaceful means of carrying out territorial annexations.

“A change of territorial sovereignty, whether it is due to conquest sanctioned by a subsequent treaty of peace, or, to the peaceful annexation agreed to by common consent of the States and carried out at the consent of its inhabitants, carries along with it, in perfect right, the change of nationality of the native population.†

* Andre Weiss. *Traité élémentaire de Droit International privé*, 2me. ed., p. 348.

† Pothier. *Traité des personnes*, 1re partie, titre II., Section 1re. —Fiori. *Le droit int. privé*, trad. par Antoine, t. I Section 385, p. 439. —Rivière. *Principes du droit des geus*, t. I. Sections 12, 38; VI., p. 185.—René Selosse. *Traité de l'annexion au territoire français et de son démembrement*, 2me. partie, titre II., chap. I., p. 281.—Treaty of Mulhouse, Jan. 28, 1798 (art. I).—Treaty of Geneva, Ap. 26, 1798 (art. I).—Treaty of Berne, Dec. 8, 1882, on the division of the valley of Dappes between Switzerland and France (art. III).—Also, in the decisions of the Cour de Cassation, of France, 12 June, 1874, and 7 Dec., 1883. *Journal de droit international privé*, 1875, t. II., p. 191—1884, t. XI., p. 628—637.

“The State that annexes acquires a personal right over the individuals which constitute such population, a right that establishes the bond of fidelity or allegiance of the native toward his sovereign; and in consequence the relations with the primitive State are thereby dissolved, except when those relations may be renewed by the exercise of the right of option, which is now of frequent occurrence, advantage of which can be taken within a fixed time after the definite act of annexation.

“This effect of the acquisition of territory, in regard to the natives, naturally derives from the notion of sovereignty under international law, and becomes an inevitable consequence of annexation. If the change of nationality were to affect the territory only, the annexing State would acquire a nominal sovereignty. For this reason it has been stated that in the treaties or acts of cession ‘not such a province is ceded, but that so many *inhabitants* are ceded, and, accessorially, the territory in which they reside.’ (See Cogordan, *La nationalite au point de vue des rapports internationaux*, 2me. ed., ch. VII, 2, p. 331.)

“What applies to the natives does not apply to the foreigners. As their citizenship toward their native land subsists, notwithstanding their residing away from it, and as it follows them wherever they may go, and as they are merely *subditi temporarii* of the nation in which they reside, the annexing State does not acquire in respect to them anything more than the purely territorial right of the *imperium* which comprises the government over the persons and the things within the territory, an *imperium* that is the same no matter what State exercises it, and which creates always the same correlative obligations on the individuals.

“By allowing foreigners the right to vote at the plebiscitum the result would be that a certain class of individuals, who would not be affected by the territorial transfer, whose juridic status is not altered by the annexation, would have it in their power, perhaps, to decide, or at least to influence an act which shall determine the definite condition of the natives of the territory, whose condition may, indeed, radically change as a result of the vote.

“Such a consequence would be contrary to every notion of justice. A change of nationality brought about by whom would not be called upon to experience it, amounts to about as much as forcing a nationality in another more violent form, an extreme that is precisely what the plebiscitums seek to avoid.”

Theodore D. Woolsey, President of Yale College, in his introduction to the study of International Law, says: “A State’s territorial right gives no power to the ruler to alienate a part of the territory in the way of barter or sale, as was done in feudal times. In other words the right is a public or political and not a personal one. Nor in justice can the State itself alienate a portion of its territory *without the consent of the inhabitants residing upon the same*, and if in treaties of cession this is done after conquest, it is only the acknowledgment of an avoidable fact.” (2d. ed. Sec. 52, p. 78.)

And if the intervention of the foreigner is carried out by the foreigner citizen of the nation that pretends the annexation, the case does not alter, but becomes, if anything, more serious.

The aforesaid foreigner (the citizen of Chile in the case under study) does not change nationality as a consequence of the plebiscitum.

However, in 1893, a Chilean diplomatist who was negotiating this very question with the Peruvian Government, argued that the Chileans could not be regarded as foreigners in the territory of Tacna and Arica, because the nature of Chile’s possession logically placed them on the footing of the natives, which amounts to saying that all Chileans are Tacnanians and Aricanians by reason of something that may happen. (Protocol of the conference between Señors Jimenez and Vial Solar.)

When making such a statement the Chilean envoy forgot to mention what was the nature of Chile’s possession, so as to prove how well founded was his reasoning. This is what it is now necessary to establish as a previous question.

It is a well-known and established fact that Clause III

of the treaty of peace signed at Ancon does not contain the cession of the territory of Tacna and Arica, and that its ownership and dominion has not been definitely determined in favor of Chile; and likewise, it is not yet known if it will continue to form an integral part of the Peruvian nation.

Chile, therefore, has not incorporated, nor can she incorporate, the said provinces with her own national territory, and she cannot give them the rights pertaining to the other sections of the territory which unconditionally belong to her. Tarapaca, for instance, a Peruvian territory that was ceded in perpetuity, contributes to the appointment of the public powers of Chile and elects representatives to the National Congress at Santiago. Tacna and Arica, on the contrary, are interdicted from exercising this prerogative, and their vote is not taken. Neither has Chile altered the status of the Tacnanians and Aricanians, as she has done in the case of the Tarapacanian residents there. (Law of October 31st, 1884.)

The nature of the possession conceded to Chile is one of military occupation or of a peaceful protectorate, with the modality that instead of the martial law that reigns in military occupation, or of the dual legislation, one for the natives and another for the subjects of the protecting State, that governs a protectorate. Tacna and Arica are subject to only one legislation, less stern than martial law, and to single authorities, *i. e.*, those of Chile. These were measures of temporary government adopted in order to end the rule of the military chiefs commanding the Chilean forces occupying the Peruvian territory after the battle of Tacna, which was fought by the belligerents on May 26th, 1880.

In view of the foregoing we can now confute the argument of the Chilean negotiator.

As by virtue of the occupation by force of arms or by the protectorate the Chileans did not become, in perfect right, citizens of Tacna and Arica, they are there, notwithstanding the fact that Chilean laws are in force therein, in the same condition as the other foreigners, or if preferred, in the condition of loyal subjects that the occupier selects for the administration of local interests. Their presence

simultaneously with that of Chilean authorities, and under protection of Chilean laws, does not obtain for them the exercise of any new rights. (See Bluntschli, *Le droit international codifié trad. par Lardy*, Sec. 500; Heffter, *Droit international de l'Europe*, Sec. 131; Esperson, *L'Angleterre et les capitulations dans l'île de Chipre*.)

The nature of the possession by Chile has, therefore, no importance in the present debate, and the fact remains that the Chilean resident shall continue to be a citizen of Chile, even if the plebiscitum should result in favor of Peru.

Placing the question on this ground, the result would be that if the intervention of the Chilean citizens was allowed, these individuals, who juridically are foreign to the community, would be in a position to authorize with their vote a change of nationality of the natives, and as they would be naturally inclined by their sentiments of nationality and of interests to vote in favor of their own country, we would have an imposition of nationality brought about, in a measure, by the interested power.

All the foregoing is confirmed by the history of the plebiscitums. Both in Greece and in Rome plebiscitums were resorted to by the citizens.

Plebiscite or plebiscitum is derived from the Latin *plebs* and *scitum*, which means a decree by the common people. Webster says it is the vote of a whole people. And we all know that the people of a nation, or a *people*, means a nation, a community of persons born in the same country and living under the same government.

The ancient plebiscitum, modified in form, that is from the vote of the plebeians or common people, it passed to the whole of the people, was introduced into French public law by the Bonapartes, and was applied on seven occasions between the 18th Brumaire in the year VIII (Nov. 9th, 1799) and the year 1870, when Napoleon III obtained a declaration of the people of France that the nation had confidence in his government.

In Switzerland the reform of the constitution is referred to a plebiscitum of the *Swiss people*, i. e., its *citizens*.

Francis Lieber, in his great work on civil liberty and self government, Appendix I, "A Paper on Elections and General Votes," says: "Popular votes in a country with an ample bureaucracy of a centralized government on questions concerning measures or persons in which the government takes a deep interest, and by elections, the primary arrangements of which are under the direction of the Government, that is, under the executive, must always be received with great suspicion. It is a fact well worthy of remembrance that the French *people* have never voted "no" at any plebiscite. * * * A vote of "yes" or "no" becomes specially unmeaning when the executive seizes the power by a military conspiracy and then pretends to ask the *people* whether they approve of the act or not."

As the Chileans, besides contending that at least they, if not all foreign residents, have a right to vote, also declare that they *must* control and direct the primary arrangements and the plebiscitum itself, the above opinion of an authority such as Lieber is especially interesting.

Theodore D. Woolsey, in his book already quoted, Note 2, Appendix III, says: "There is a tendency in quite recent times to act, in international arrangements, upon the principle here stated, that the consent of the inhabitants of a ceded territory ought to be obtained. In the Treaty of Prague of 1866 (see Appendix II *sub anno*) it is provided that the rights of Austria to Schleswig-Holstein are ceded to Prussia, 'with the reservation that the inhabitants in northern Schleswig shall be united anew to Denmark if they express the desire for it in a free vote.' There, however, the Danish nationality of that part of the duchy was, without doubt, of weight, and of the more weight, as the Germans had insisted on the German nationality of both duchies in their contest with Denmark. In 1860 the Neapolitan provinces—Sicily, the Marches and Umbria—were annexed to the kingdom of Italy in the same way by direct and universal suffrage. The decree of December 17th, which declares the Neapolitan provinces to form thenceforth an integral part

of the kingdom, is based on the submission of a *plebiscitum* to the people, on the proof that it was presented to them and accepted, and on a law authorizing the government 'to accept, and by royal decrees establish, the annexation to the State of those provinces of central and southern Italy in which there shall be manifested freely, by direct, universal suffrage, the will to become an integral part of the constitutional monarchy' of Italy. In this way, doubtless, it was intended to turn a half-right into a whole one, or to sanctify unjust conquest by popular consent. The principle would be a good and beneficial one that such consent should be necessary before a transfer of allegiance."

And in Appendix II, p. 421, he says: "Other acquisitions made by the kingdom of Sardinia came principally by revolution, armed intervention and popular vote. Tuscany, Parma, Modena and the Roman legations were annexed after popular vote by a decree of March, 1860. Garibaldi's revolution in the two Sicilies was followed by the occupation of Umbria and the Marches, and by a popular vote in the same year. Gaëta surrendered in February, 1861, and in the same year the kingdom of Italy took its name. Finally the ecclesiastical State has been absorbed in the kingdom during the present summer (1870), armed occupation and popular vote here also going together."

In each and every instance in which a popular vote has been resorted to to determine an annexation the decrees convoking the *plebiscitum* have stated that the *citizens* were called upon to do so.

Thus, in the annexation of Sicily and southern Italy to Naples, the proclamation of the Governor says:

"ARTICLE 2. All the *citizens* who have attained the age of 21 and who are in full possession of their civil and political rights are called upon to express their vote."

When in 1860 the reunion of Tuscany with the kingdom of Sardinia was carried out, the people of Tuscany were called upon to determine by a *plebiscitum* their consent.

In the proclamation convoking the *plebiscitum* Article

3 reads as follows: "Are hereby called to express their vote *all the Tuscans* who have attained the age of 21 years and who are in possession of their civil rights."

And as a proof that only the *Tuscans* voted we find in the proclamation of March 15th, 1860, the following:

Number of Tuscans who voted.....	386,445
Number of votes for the union.....	366,571
Number of votes for a separate kingdom....	14,925
Number of votes declared null.....	4,299

In fact, in all the proclamations issued in Italy at the time when the plebiscitums were, so to speak, the order of the day, we invariably find that *only the native citizens were called upon to vote*.

But the most interesting case, the origin of which derives from an international treaty and is, therefore, in many respects similar to our Tacna and Arica affair, inasmuch as the form and conditions of the plebiscitum were left to be determined by ulterior agreements between the high contracting parties, is the case of the plebiscitum which eventually transferred Nice and Savoy to the French Empire.

In the treaty of Turin, March 24th, 1860, we find the following:

"H. M., the King of Sardinia, consents to the reunion of Savoy and of the district of Nice with France. * * * It is hereby understood that this reunion shall be carried out without any pressure upon the will of the inhabitants, and that the governments will agree, as soon as possible, upon the best methods to appreciate and to confirm the expression of that will."

King Victor Emanuel, in his proclamation authorizing the severing of Savoy and Nice from Sardinia, says:

"A treaty concluded on March 24th establishes that the reunion of Savoy and Nice to France shall be carried out through the adherence of their people and the sanction of parliament. * * * Nevertheless, you cannot be obliged by force to this great change in the future of the provinces. *It must be the result of your free consent*. Such is my firm will, and such is also the intention of the Emperor of the French.

“So that there may be no impediment to the free expression of your votes, I hereby recall the principal functionaries of the administration who do not belong to your country, and I replace them temporarily with several of *your own citizens* who enjoy general estimation and consideration.” * *

By virtue of the treaty, the Governments of Sardinia and France arranged the bases for the plebiscitum.

The French Government forbade its troops to return to France by way of the territory in question, and appointed two commissioners, one to attend at Nice and the other at Chambery, to watch all preliminary arrangements and to see that the plebiscitum was carried out in conditions of liberty and sincerity of vote.

All the formalities having been complied with by the mutual accord of both governments, the Governors of the provinces issued the proclamations for the taking of the plebiscitum, Article 4 of which reads as follows:

“Shall be admitted to vote all the *citizens* who are 21 years old, at least, *born in Savoy or outside of Savoy of Savoyard parents*, who inhabit the district since, at least, six months, and who have not been criminally condemned.”

The proclamation in reference to Nice is practically the same. Article 4 stipulates:

“Shall be admitted to vote all the *citizens* of at least 21 years of age *who belong by birth or by their origin to the County of Nice*, who inhabit the district for the last six months, at least, and who have not suffered any of the penal sentences referred to in Article 23 of the Municipal Law.

“The Niceans who are notoriously known as such are not bound by the six months’ residence proviso, and they may return, register and take part in the voting.”

These two plebiscitums were held on the 15th and 22d of April, 1860, and at both of them *only the citizens* recorded their vote, to the exclusion of every foreigner—Frenchman, Italian or otherwise.

The last plebiscitum that has been held took place in 1877. It was the outcome of a convention between France

and Sweden whereby the island of Saint Bartholomew, which had belonged to France previous to 1784 was to revert to her. To this effect a treaty was concluded on August 10th, 1877, stipulating the retrocession "subject to the consent of the inhabitants of Saint Bartholomew." (Art. 10.)

King Oscar addressed a proclamation to the Governor of the island, stating that in virtue of the treaty with France a plebiscitum should be taken at which *every male of the population of the island* who is in possession of his civil rights, and of age, may take part in the voting.

This having been erroneously interpreted by the French Government as implying that *all the inhabitants*, including foreigners, were called upon to vote, a diplomatic correspondence ensued between the French Government and the Swedish Legation at Paris, and as a result of this the Swedish Government stated that there was no possibility for such a misunderstanding, because the terms of the Royal Ordinance of August 17th referred *solely to the males of the Swedish population of the island*.

The following telegram of the Secretary of State for Foreign Affairs of Sweden leaves no room for doubt:

"The meaning is naturally that only the Swedish subjects may vote.

"(Signed) Bjornstjerna, Minister of Foreign Affairs."

The plebiscitum was determined on September 29th and 30th and October 1st, 1877, and the vote resulted in favor of France.

The King of Sweden thereupon issued a proclamation to his faithful subjects of St. Bartholomew, severing them from all allegiance to his person, dynasty and nation.

This proclamation is still one more proof that *only the Swedish subjects* voted at the plebiscitum.

In view of all the foregoing no one can maintain or imagine, even for a moment, that the arbitration to which the Billinghurst-Latorre protocol refers with regard to who "shall have a right to vote," and "how the vote shall be taken" can be taken in the nature of a concession to Peru.

The arbitration therein stipulated is, on the contrary,

a proof of Chile's rebellion against justice, of her persistence to ignore the precedents of history, and of her resistance against acknowledging by free accord the principles of right and of duty.

If Chile had honored the convention which she subscribed, and complied with the stipulated arbitration, Peru would at the present hour have received an award which would have ended a controversy that while left in its present unsettled condition is a source of uneasiness to the peace of the continent.

THE VICISSITUDES OF THE PROTOCOL

The Billinghurst-Latorre protocol was signed at a moment of intense anxiety for Chile. A war with Argentine appeared nearly inevitable. Any concession was considered good in order to satisfy Peru and obtain her neutrality. To give to this compact some sort of validity and so as to obtain the advantages which it aimed to obtain, the Chilean Senate ratified the protocol, but while before the lower Chamber of Congress an agreement was reached with Argentina whereby the boundary question was submitted to the arbitration of the British sovereign. All danger of a war having thereby been averted, the Chilean Chamber of Deputies became once more bold and aggressive, and the old-time policy of "no settlement with Peru and Bolivia" reasserted itself.

During the parliamentary sessions of August, 1898, Deputies König, Pleiteado and Ibañez, among many others, distinguished themselves by their attacks against the protocol.

The now celebrated Señor König upheld that the protocol meant the surrender by Chile of Tacna and Arica. Señor Ibañez favored a delay before taking a final resolution; he evidently wished to gain time and first see the result of the negotiations then pending with Argentina. But it was Señor Pleiteado who found the real formula which the majority of his countrymen were seeking. He created quite a sensation when he boldly declared that the territories of Tacna and Arica contained rich deposits of nitrate, and that, therefore, Chile

cannot accept any convention wherein lies a risk of allowing a competition in the sale of that substance.

This *coup de maître* had the desired effect. The Chilean Deputies rallied round Señor Pleiteado; they no longer considered Peru's rights to the disputed territories; or, the more or less truth of the statement, the treaty of Ancon and the plebiscitum were completely forgotten; the nitrate interests of Chile were declared to be paramount. The Chamber could not consent that Peru should recover her provinces, because a deputy on his own authority had declared that they contained or might contain NITRATE!

On the 27th of August, 1898, while the discussion on the subject of arbitration was still going on between the representatives of Chile and Argentine, Señor Carlos Walker Martínez, the Minister of the Interior in the Chilean Cabinet, appeared in the House of Representatives. He came to defend, in the name of the Government, the protocol with Peru. "The Government of Chile," he said, "believes that the protocol is nothing but the honest and sincere expression of the treaty of Ancon. That treaty determined and established the plebiscitum as a means of deciding the future nationality of the territory of Tacna and Arica. We must not forget, honorable Deputies, that the greatness of nations does not rest only on the strength of their arms nor on the material wealth that is represented by the gold in their treasuries. There is a moral force superior to that of arms, there are riches that cannot be seen with the eyes of the body, but that are visible to the spirit, and history has proved that the latter are of more weight than the former in the balance of the destinies of nations in the evolution of human civilization. In consequence, we must also not forget that in these ideas we must form our criterion, so as to resolve the problem under debate; and I say this, not to leave unanswered the remarks which have been made by some of the opponents of the protocol upon the financial advantages that its approval might imply for Chile, completely forgetting the national faith engaged, which is above every other order of interests.

"Do not let us judge with narrow-mindedness; let us lift

our spirit to the level of what the future has in store for us, and I, who have a blind faith in that future, *believe that the Pacific has to become our future field of prosperity. * * * Bolivia necessarily must try to find an outlet by the Pacific, and from this factor will spring our railroads to give her cheap freights.* Peru cannot avoid being a consumer for our products, and it is to her interest to obtain them at low price.

“Too much has been done in the way of abusing the Billinghurst-Latorre protocol. I cannot, as I said before, in a public session answer such arguments, and for this reason I shall remain silent. But I can affirm that WE SHALL NOT ABANDON OUR NITRATE WEALTH OF THE NORTH TO THE HAZARDS OF ANY RUINOUS COMPETITION; neither are we so blind as not to know what the ‘Errazuriz’ protocol contains and encloses, *a protocol that has been promulgated as a law of the Republic, and which everyone knows.*”

The opposition to the protocol was not to be moved by any force of reasoning; once having found the weapon they were determined to brandish it. Señor Ibañez insisted upon the rejection of the protocol. He declared that three-fourths of the national revenue were derived from the duty on nitrate, and that no one ignored that the material development of the country, its present military power, everything that signifies progress, was due to the enormous wealth which the duty on nitrate had brought, and that he could say that indeed the future of Chile depended upon the progress and development of that industry. What, then, would happen if to-morrow Peru should be allowed to work nitrate deposits in her soil, and to export and sell the product? He reminded his honorable colleagues that they had oftentimes declared that they *could accept everything save this*, because they all knew what competition meant; their great monopoly would no longer exist, as there would be more than one producer.

As the government appeared anxious to abide by its engagement, it asked Peru to sign a written declaration to the effect that in the event that nitrate deposits should exist in the Tacna and Arica territory, the Peruvian Government would adopt the same export duty as that of Chile, so as to make competition practically impossible.

The Government of Peru denied the existence of workable nitrate deposits in the disputed provinces, but being anxious to end the controversy, it decided to subscribe to the agreement, and signed a document to that effect.

About September 12th affairs took an ugly turn; a hitch had arisen in the pending negotiations with the Argentine Commissioners. Minister Walker Martinez hurried to the Chamber and stated that "the international situation demanded the approval of the protocol, and that whosoever should oppose it would be acting as A TRAITOR TO HIS COUNTRY."

On September 22d arbitration with Argentina was agreed upon by both governments, and two days later the Chilean Chamber adopted the somewhat extraordinary course of approving, in a general way, the Billinghurst-Latorre protocol, but leaving the discussion of its terms to some future date. Whereupon the Chilean press stated that the action of Congress was tantamount to shelving the protocol indefinitely, the same as had been done with the several Bolivian treaties.

On October 1st, 1898, the Chilean Minister in Peru, Señor Amunategui Rivera, addressed a note to the Peruvian Foreign Office to the effect that if nitrate deposits should be discovered in Peruvian territory, Peru should abstain from working them, and should also agree not to sell or transfer them, so that the monopoly that Chile now has should not be interfered with. The Peruvian Government realized what Chile was aiming at, viz., seeking an excuse to repudiate the protocol. Its answer was dignified. It stated that such a preposterous pretension was outside of the question of the scope of the treaty of peace; that it was an unwarranted attack against the sovereignty of the nation; that "Peru could not abdicate its rights to safeguard Chile's fiscal interests, even if this should imply a declaration without any consequence. Much less could it admit that conditions of such a nature should be pressed in connection with the carrying out of a solemn treaty to which was bound Chile's public faith.

"Peru gave her final vote to the protocol of April 16th three months ago, and she has a right to hope that Chile

will do likewise without conditions or demands foreign to the ends of said convention, that is to say, that she will faithfully comply with the stipulations of Clause III of the treaty of 1883, a well-defined and specific object which has been practically carried out by agreeing to the taking of the plebiscitum, after submitting to an impartial arbiter such points as to which both governments had not been able to agree upon.

"This just and elevated proposition, signed by Chile after a long term of legitimate impatience and anguish on the part of Peru, has been considered by my government as the honorable ending of an anomalous and untenable situation."

The ordinary sessions of 1898 came to a close and Congress met in extraordinary sessions, but these closed without any action on the protocol being taken. The diplomatic representative of Peru in Chile unceasingly urged upon that government to obtain the necessary ratification.

In 1899 he reiterated this demand. Señor Blanco, the Minister of Foreign Affairs, promised that if this were not possible during the January sitting it would certainly be taken up during the June sessions. But 1899 closed and the Chilean Congress had not heeded Peru's demand nor worried about the pledged word of its own government.

The press no longer indulged in hysterical shrieks of fraternity, the danger of a war with Argentine no longer loomed menacingly, and, consequently, Peru was once more the victim of its hatred and wrath.

CHILEANIZING "BY REASON OR BY FORCE"

There is nothing to say against Chile. To hold her up to the world, one has but to tell the story of her conduct towards Bolivia and Peru from 1879 until the present day.

Never in the annals of history has a conqueror been so exacting, cruel and unjust.

Her motto, inscribed on her national arms, depicts her conduct, "*by reason or by force*"; her emblem, the condor, the Andean bird of prey, describes her instincts.

In the last chapter we have shown her policy in the face of the grave danger that threatened her; we have seen her public men and her press, in that hour of extreme anxiety, sing the praise of Peru and proclaim harmony, peace and fraternity, and we have seen how, when the danger was over, her impudent insolence reasserted itself, even to the extent of demanding from Peru conditions extraneous to the subject under discussion.

The same government that in 1898 branded as *traitors* the deputies who should oppose the protocol, in 1899 no longer heeded the remonstrances of Peru. The press had already forgotten its canticles of peace and fraternity, and appeared once more as the arch instigator of the public mind against two defenseless nations. The "nitrate monopoly" was the new banner which Chile unfurled, and under its folds were gathered in warlike array all her forces.

The protocol was allowed to slumber among the useless parliamentary documents.

As yet this does not amount to much. Chile never does things by halves. This indifference for the protocol was soon to be followed up by active measures of a new kind. She was maturing her plan. We shall now see this, and how she carried it out.

The Government and the people of Peru could not resign themselves to this shelving of the protocol. The nation clamored for its ratification by the Chilean Congress, and the Foreign Office instructed its several representatives in Chile to urge this upon the Santiago Cabinet. Two years were spent in this, until 1900, when the Peruvian Government decided to obtain a definite reply to its appeals. Señor Cesareo Chacaltana, one of Peru's most able and finished diplomats, was sent to Chile, charged with the mission to attain this end.

But Chile was not to be scared by this. Seeing herself cornered, so to speak, she replied to Peru in a manner char-

acteristic of her national tendencies; not with the approval of the protocol, but with the adoption of measures tending to nationalize the provinces that during twenty years of occupancy she had failed to win over to herself.

"Peru wishes the plebiscitum; well, then, let us prepare ourselves for it." Such is the new Chilean argument. And to this end every conceivable form of injustice has been resorted to.

The Peruvian national sentiment must be stamped out; the individuals who dare to keep alive this sentiment must be banished or forced to leave the territory; the schools and colleges where Peruvian history is taught, where Peruvian sentiments are fostered, must be closed; the pulpit from whence the spirit of love of country is proclaimed is silenced; the press, wherein all these sentiments are defended and maintained, must be gagged or suppressed; the associations of the natives are interfered with; the workingmen and laborers are boycotted, and finally the independence of commercial and industrial pursuits is practically done away with. Thus the natives are treated as *parias*, and life in their own native soil becomes intolerable. But with a patriotism deserving the greatest respect and admiration they cling to it, and appealingly look to the mother country not to abandon them in their hour of martyrdom.

And Peru will not abandon them, for to-day, after all these hardships, they have proved better than any other victim people their true patriotism, their faith in their ultimate freedom from bondage.

And while all these cruelties are heaped on their heads because they are loyal to their fatherland, Chile strengthens her hold on the territory by the establishment of permanent courts of justice, opening Chilean schools, increasing the number of her administrative officials, augmenting the army of occupation, sending Chilean pastors to replace the Peruvians, aiding all Chilean enterprises, replacing with Chilean labor everywhere that the natives work, forbidding every manifestation of Peruvian nationalism even to the display of flags and singing of the Peruvian anthem on the Day of Independence; while Peruvian children are made to learn in

books where their nation is reviled, and obliged to sing the Chilean songs insulting to their own country.

The treaty of Ancon does not authorize Chile to act thus, even common humanity forbids it; but what does Chile care for either?

Besides, since 1894 Chile's legal term of occupancy has expired; she has no legal and valid title to the territories at the present time. She cannot, therefore, exercise in them the rights of perfect sovereignty. But over and above this are the laws of Chile itself. By the treaty of Ancon the said territory was placed under Chilean legislation, and the laws of Chile do not sanction any of the acts which the government has enforced in Tacna and Arica with a view of *Chileanizing* the said provinces. The inhabitants of these provinces cannot be deprived of the guarantees which the Chilean laws grant to every individual, irrespective of his nationality.

Chile may well do all this, she may send her unemployed by the hundreds or by the thousands to the territory, she may have an enormous army of officials and of soldiers there, but she will NEVER extinguish the sentiment of Peruvian nationalism, and what is more important, she will never make Peru accept the taking of the plebiscitum under such unfair conditions.

Chileanize Tacna and Arica! Why, it is preposterous, it is absurd. Chile's present attempt is childish. She actually wishes to accomplish by force what she has been unable to do in twenty years. It is a mistaken and shortsighted policy, and which will eventually harm her more than anything else she has ever undertaken. Some day, perhaps sooner than she imagines, the eyes of America will be opened to the fact of her most iniquitous conduct, and then the execration of a whole continent will be her just punishment!

In order to drown the voice of Peru, Chile would be obliged to send a whole army to vote at the plebiscitum. In the province of Arica the male population numbers 4,879, of which 3,687 are Peruvians; in the province of Tacna, out of a total of 8,105 males, 5,886 are Peruvians, and in the district

of Tarata, which she also occupies, out of a total male population of 1,741, 1,636 are Peruvians. That is to say, that 76 per cent. of the male population of the disputed territory is Peruvian.

In the face of these numbers one may well wonder how Chile is ever going to eliminate these eleven thousand adult Peruvian voters.

AFFIRMING THE CONQUEST

We have seen how Chile undertook the Chileanization of Tacna and Arica; the manner in which she replied to the demand of Peru on behalf of the protocol.

Señor Chacaltana, acting upon instructions from the Lima Government, gave the Chilean Government no rest; he was untiring in his efforts. He wanted a plain, straightforward answer.

But for a long time he could not obtain it. Señor Errazuriz Urmaneta, the Chilean Foreign Minister, resorted to the time-worn expedient of putting this off; he assured the Peruvian representative that the Government of Chile was sincere in its adhesion to the protocol; but that it could not answer for the manner in which the deputies would vote upon it, or when this should happen.

But while this subterfuge was indulged in, the measures for Chileanizing the provinces were being actively carried out. Chile's policy was consistent with her whole history—deceitful and hypocritical.

For the last five years she has been playing off Bolivia against Peru, she had made our former ally believe that she would eventually give her an outlet on the Pacific. Allured by this promise Bolivia had approved the treaties of 1895, only to find herself, in 1900, as distant as ever from the coveted outlet. The Bolivian coast, with its 158,000 kilometers of seaboard, with four ports and seven inlets, and a population of 32,000 inhabitants, produces to Chile a net revenue of eight million pesos per annum. Chile, therefore, could not

avoid agreeing to give Bolivia some sort of an outlet. In fact, she was in honor bound to do this; but that did not mean that the outlet should be through Peruvian territory. It was to be one of the ports which she had seized in 1879 or any other which she might think fit. Chile, however, ignored this, and in a treaty of territorial transfer mention is made of a Peruvian port whose cession Chile was not then in a position to negotiate, or in its defect, some other port or inlet that she failed to mention.

Five years have now elapsed, during which Chile has neither approved the Bolivian treaty nor allowed the plebiscitum to be taken. In the course of these five years Chile has been brought face to face with the possibility of a war with Argentine, which alone would explain her shifting policy. But in 1900 Chile throws off the mask, and on August 13th her Plenipotentiary in Bolivia, Señor Abraham König, the same König who, as a deputy in 1898, strenuously opposed the Peruvian protocol, addressed his now famous ultimatum to the Bolivian Government.

This document is now pretty well known throughout the world, and the world has passed its verdict upon it.

Its leading features are to be found in the following paragraphs:

“The Government of Chile will be disposed, in order to conclude the treaty of peace with Bolivia, to grant, in exchange for the definite cession of the Bolivian littoral we now occupy by virtue of the pact of truce, the following compensations:

“(a) To take upon themselves, and to bind themselves to the payment of the obligations contracted by the Bolivian Government with the mining enterprises of Huanchaca, Corocoro, and Oruro, and the balance of the Bolivian loan contracted in Chile in 1867, after deducting such amounts which have been credited said account, according to Article VI of the treaty of truce.

“Chile could also, in the same manner, pay the following liabilities affecting the Bolivian littoral: The one corresponding to the bonds issued for the construction of the railway from Mejillones to Caracoles; the liability in favor of Mr.

Pedro Lopez Gama, at the present time represented by the house of Alsop & Co., of Valparaiso; that of Mr. Enrique Meiggs, represented by Eduardo Squire, resulting from the contract the former made with the Government of Bolivia on May 20th, 1876, for the lease of the fiscal nitrate beds of Toco, and the one recognized in favor of the family of Mr. Juan Garday. These liabilities will be the object of a particular liquidation and of a detailed specification in a supplementary protocol.

“(b) An amount of money to be fixed by mutual agreement between both governments, to be invested in the construction of a railway which shall either connect any port in our coast with the interior of Bolivia, or be the prolongation of the present Oruro railway. In the judgment of the undersigned, this amount must not exceed six million *pesos*, and the determination of the starting and terminal points as well as the plans and other conditions of the railway to be resolved by mutual agreement between both governments.

“(c) The port selected as starting point of this railway shall be declared free for the products and merchandise shipped through it in transit to Bolivia, and for the Bolivian products and merchandise exported through the same.

“In the several conferences I had with your Excellency, while analyzing the foregoing bases, your Excellency informed me that in his judgment the concessions offered were not compensation enough for the Bolivian littoral, and that Bolivia needed a port and absolute commercial freedom. The Bolivian Government regards the pact of truce, which exceptionally favors Chilean commerce, as burdensome to Bolivia, and that it has given rise to claims on the part of European powers. Bolivia aspires to her commercial independence as a consequence of her political independence, and wishes to remain at liberty to reject the treaties which are detrimental and to make those which are convenient to her, this not being meant as a hostile feeling against Chile, as it is understood that thereafter Bolivia shall grant Chile the commercial franchises granted to other nations.

“Several days after this, and as the natural result of the conferences, your Excellency communicated to me the propo-

sitions agreed to by the government, which are the following:

“The Government of Chile takes upon themselves the obligations contracted by Bolivia with the mining enterprises of Huanchaca, Corocoro and Oruro, and the balance of the Bolivian loan contracted in Chile in 1867. They will also take upon themselves the following liabilities which burden the Bolivian littoral: The one corresponding to the bonds issued for the construction of the railway from Mejillones to Caracoles; the liability in favor of Mr. Pedro Lopez Gama; that of Mr. Enrique Meiggs, resulting from the contract made with Bolivia in 1876 for the lease of the fiscal nitrate beds of Toco, and the one recognized in favor of the family of Mr. Juan Garday.

“The Government of Chile bind themselves to grant to Bolivia, from their (Chile’s) possessions on the Pacific Coast, perpetual control over a belt of territory embracing one of the ports at present known, said belt to be situated at the northern extremity of said possessions, and to extend to the Bolivian frontier.

“Commercial relations shall continue between both States. Hereafter each nation, consulting its own convenience, may either levy upon or declare free of fiscal and municipal duties the natural and manufactured products the other may import.

“Foreign merchandise imported into Bolivia through any of the Chilean ports, and the natural and manufactured products exported abroad through the same ports, shall enjoy freedom of transit.

“In exchange for these terms the Government of Bolivia is ready to conclude the treaty of peace which shall insure the definite cession of the Bolivian littoral occupied by Chile.”

“In the foregoing bases the offer of six million *pesos* devoted to the construction of a railway is not taken into consideration. This sum is not to be despised, and I may repeat here to your Excellency what I have already had occasion to insinuate several times, that the government would be willing to increase it if their propositions for a settlement were accepted. Neither mention is made of the concession

of a free port, which is entirely favorable to the commerce of Bolivia.

“The bases of the Bolivian department (Cancilleria) having been submitted to the consideration of my government, there was no obstacle to accept the two clauses in reference to the commercial freedom. * * * *

“From this comparative study it appears that the only existing difficulty which prevents a settlement demanded aloud by both Chileans and Bolivians is the second of the bases proposed by the Government of Bolivia.

“In deference, perhaps, to opinions of other times, your Excellency states as an aspiration of the Bolivian people, that of possessing in perpetuity ‘a belt of territory embracing one of the ports known at present.’ This belt must be situated at the northern extremity of the Chilean possessions, and shall extend to the Bolivian frontier.

“This is a demand doubly difficult and almost impossible to grant.

“Where could we find, Mr. Minister, a belt and a point to correspond exactly with the conditions so precisely stated in the quoted clause?

“Our coast reaches on the north to the Camarones creek, in conformity with the treaty of peace concluded with Peru. It has been known and understood that Bolivia does not pretend to have a belt nor a port in the territory of her old littoral. I cannot see, in truth, where could we give Bolivia what is asked for. * * * *

“It is true that by the treaty of territorial transfer, signed May 18th, 1895, it was conditionally established that ‘if in consequence of the plebiscite which is to be held in conformity with the treaty of Ancon, or by virtue of direct negotiations, the Republic of Chile should acquire permanent dominion and sovereignty over the territories of Tacna and Arica, it (the Republic of Chile) binds itself to transfer the same to the Republic of Bolivia, in the same form and with the same extension as acquired, without detriment to the provisions of Article II.’ But your Excellency knows that this condition has not been fulfilled, and that this lack of compliance cannot be attributed to the Government of Chile.

“At the present moment—and this is the most important fact—the Republic of Chile has not yet acquired permanent dominion and sovereignty over the territory of Tacna and Arica. To lay the foundations of a treaty of peace upon an event that has not taken place partly dependent from another’s will, would be to make a flimsy and perishable work, to create difficulties instead of ending them, to fall again in the same error committed in 1895. * * * *

“Chile has not acquired the control of those territories, but merely an expectancy subject to the terms and conditions stipulated by the treaty of Ancon. It is not the owner as yet, and must not act as if it was.

“We may repeat to-day the same words. The plebiscite has not taken place as yet; it is not possible to conclude treaties taking as a basis events that have not taken place and are dependent from another’s will.

“The Government and people of Chile are earnestly interested that the plebiscite should take place as soon as possible; and the government and the people desire that this act should take place under such conditions as would satisfy the legitimate aspirations of the nation. When the time comes when it will take place, we confidently expect that the plebiscite will be favorable to Chile.

“Your Excellency knows that public opinion in my country has been notably modified since the last days of 1895. We do not think to-day as we did in years past. * * * *

“To be as plain as international affairs demand it at times, it must be stated that Bolivia cannot count upon the transfer of Tacna and Arica, even if the plebiscite be favorable to Chile. The Chilean people, with a uniformity which is seldom seen in other nations, has made manifest their will to preserve these territories as a just compensation for the sacrifices of all kinds imposed to the country. * * *

“After what has been said the conclusion imposes itself forcibly. Chile does not accept the cession of the belt and port demanded by Bolivia, because, notwithstanding its (Chile’s) good intentions it finds itself in the impossibility to satisfy such demand. There is no port to grant. South of Camarones all the ports are Chilean, inhabited almost solely

by Chilean citizens. Moreover, the cession of a belt in any latitude will result in the division of our country in two portions, thus producing a solution of continuity which is inadmissible. Between Camarones creek and Arica, the only port deserving of that name is Arica, *and it is needed by our country*; the control of the territories of Tacna and Arica could not be maintained without the possession and control of said port. North of Arica vision is exhausted following the sinuosity of an inhospitable coast.

“Even in the case that my country were eagerly desirous to satisfy the aspirations of Bolivia, she would not know what to do. We are forced, therefore, to lay aside this demand which comes to prevent an amicable understanding between the two countries.

“It would not be amiss to question here, Mr. Minister, whether Bolivia has an imperative need of a port on the Pacific.

“I would make bold to answer in the negative. * * *

“I am convinced that a port of her own shall add nothing to the commerce or power of Bolivia.

“During peace, Bolivia will export her products through Chilean ports, especially through Antofagasta and Arica, which shall be terminals of railway lines, and consequently free ports. Bolivia will have at both ports her customs officers, exclusively dependent from the authorities of their own country. There are at present at Antofagasta Chilean and Bolivian officials discharging their duties at the custom-house of said port, with positive advantages for Bolivia and without any difficulty whatever.

“Should Bolivia later on intend to contract a loan in Europe, giving as a guarantee her custom revenues, it would not certainly be an obstacle to this question the fact that the custom receipts of Bolivia set aside for the payment of said loan are collected at a Chilean port, because, happily, the credit of my country enjoys generally in the world a solid and well-merited reputation. * * * *

“In time of war the Chilean forces would take possession of the only Bolivian port as easily as they occupied all the ports on the littoral of Bolivia in 1897.

"This is not a proud boast, because all those who are acquainted with the resources of my country know that her offensive power has increased a hundredfold in the last twenty years.

"If all the aforesaid is true, it must be confessed, Mr. Minister, that a port of her own is not indispensable, and its acquisition will not increase Bolivia's power, neither in time of peace nor in time of war. * * * *

"I would wish, Mr. Minister, that a person as learned, intelligent and keen as your Excellency is, should abandon the easy and beaten path and undertake to investigate whether to obtain the good and everlasting friendship of Chile is more important to Bolivia than a narrow strip of arid territory containing a port.

"One moment's thought will lead to this conclusion: That the friendship of Chile may in a large measure be profitable to Bolivia, while the strained relations between the two countries will not give the same result to her. Any thinking mind would be inclined to think that the statesmen of this country would not hesitate in the choice.

"For many years my country has wished to exchange the pact of truce for a treaty of peace and settle in a final manner all her differences with Bolivia. Chile wishes to devote herself to work quietly and without misgivings, and aspires, as it is natural, to an honorable and permanent peace advantageous to both countries. A series of events, some of them very disagreeable, have demonstrated it (Chile) besides, there is an absolute necessity to end as soon as possible these difficulties between neighbors.

"We cannot wait any longer; the Government and people of Chile believe that they have patiently waited.

"To our mind the bases proposed by Chile are equitable, the only ones compatible with the present situation. It would be a real misfortune that the Bolivian Congress should deem it otherwise.

"It is a widespread error, daily reasserted both by the press and in the street, to affirm that Bolivia has the right to demand a port as compensation for her littoral.

"It is not so. Chile has occupied the littoral and taken

possession of it by the same right Germany annexed to the Empire Alsace and Lorraine, by the same right the United States of America have taken Porto Rico. Our rights are the outcome of victory, the supreme law of nations.

“THAT THE LITTORAL IS RICH AND WORTH MANY MILLIONS, THAT WE ALREADY KNOW. WE KEEP IT BECAUSE IT IS VALUABLE; SHOULD IT NOT BE VALUABLE, THEN THERE WOULD BE NO INTEREST IN KEEPING IT.

“At the termination of a war the victorious nation imposes her conditions and demands the payment of the expenses incurred. Bolivia was vanquished, had no means to pay, and surrendered her littoral.

“The surrender is indefinite, for an indefinite period. It was thus set down in the pact of indefinite truce. It was an absolute, unconditional surrender in perpetuity.

“Chile, therefore, owes nothing, is bound to nothing, and much less to the cession of a belt of land and a port.

“And, therefore, the bases for peace proposed and accepted by my government, amounting to large concessions to Bolivia, must not only be considered as equitable but as generous as well.”

Here we have the true Chilean spirit. This note created a sensation throughout America. It was the first time that the right of conquest was so openly and impudently advocated in a diplomatic document. The storm it raised everywhere is still fresh in the mind of everyone.

The Bolivian Foreign Office replied in the most dignified manner.

Señor Villazon, then Minister of Foreign Relations of Bolivia, refuted Señor König's theories and arguments in a remarkable document. The following are excerpts from it:

“Complying with the greatest pleasure with the suggestion of your Excellency, I have submitted said communication to the consideration of Congress.

“My reply could have ended here; but as your Excellency has invariably impugned the motives in which my government found support to insist that a port and a belt of territory on the Pacific be granted to Bolivia, I also believe that

my indeclinable duty is to explain in this occasion the reasons in justification of this legitimate demand. * * * *

"These conditions have been taken into consideration, with the only circumstance that it has been mentioned instead a belt of territory and a port from those known at present, the value of which would be about equivalent. It was thus that my government instead of money and a free port chose a port of their own on the Pacific, because they felt that a port would offer Bolivia invaluable advantages, superior to any pecuniary indemnification, no matter how large this were.

"As regards the substance of the communication, allow me to express my opinion as to the bases proposed by your Excellency and qualified as 'great concessions.' We differ in opinion. These great concessions are, to my mind, restitution and an acknowledgment of the rights of which Bolivia was forcibly deprived. * * * *

"Thus the proposition of your Excellency is reduced to the following:

"1. To pay the Chilean credits of the Huanchaca, Corocoro and Oruro enterprises, and the balance of the loan contracted in Chile in 1867, the total amount of which is \$5,300,000 also quotable.

"2. To deliver to Bolivia \$6,000,000, which at the rate of exchange of this date is equivalent to 4,636,363 bolivianos, such sum to be applied to the construction of a railroad.'

"On the part of Bolivia the first clause would remain the same and the second substituted for a territorial belt containing a port.

"The discussion, Mr. Minister, would then be circumscribed within these precise conditions. It is to be remarked that the sum paid to Chilean creditors, as well as that invested in a coast railway, would be indirectly profitable to Chile, they being capitals placed in Chile in the hands of Chilean creditors. Your Excellency has an idea that it is only in deference to opinions of other times that among the bases proposed by this department (Cancilleria) the aspiration has been set down of the Bolivian people to possess in perpetuity a belt of territory on the Pacific, and endeavors to show on this account that neither said territory nor said

port exist, as Chile needs those it possesses on the coast, and any concession would compromise the continuity of Chilean territory. The answer is very simple: Bolivia will wait until Chile defines its territorial rights, when the settlement with Peru is concluded. And when its (Chile's) possessions on that side are defined, then it shall transfer to Bolivia the last port on the north, and the necessary belt for transit to Bolivia. This cession shall not compromise any Chilean families nor the continuity of the Chilean territory.

"This Clause has been set down not only in deference to old opinions, but also to those that have been invariably maintained by both departments (Cancilleria) by common consent.

"It is evident that in the conferences which preceded the pact of truce of 1884, it was agreed that an outlet to the Pacific which should produce a solution of continuity of Chilean territory would be inadmissible of its own nature. But the cession of a belt of territory lying at the northern extremity of Chilean possessions was tacitly left for future negotiations. For these reasons a pact of truce was concluded, instead of a final treaty of peace.

"Ever since, the Chilean department (Cancilleria) has kept Bolivia in hopes of acquiring a port. I could quote many documents were it not a laborious task; I shall confine myself to the last few years only. * * * *

"Neither do I agree with your Excellency's argument that the treaty of territorial transfer of May 18th, 1895, was conditional, depending from the meeting of the plebiscite, stipulated by the treaty of Ancon, and that the failure to comply with this condition not being on the part of Chile, said treaty must be ineffective as it was a premature pact—'still-born'—the juridical situation of to-day being, consequently, the same as in the year 1884.

"In the hypothesis that all this were evident, the caducity of the treaty ought not to depend on the exclusive will of one of the two parties; it was necessary that a convention should have preceded, to establish that the failure to comply with that condition was not to be charged to the Government of Chile.

“We do substantially and radically differ in the essential facts, Mr. Minister. Those pacts were concluded in an earnest spirit, Chile, as your Excellency states, ‘by granting the richest portions of the provinces of Tacna and Arica, acted with extreme generosity.’

“They were binding treaties, concluded according to the rules of international law, and not premature pacts, still-born. Otherwise that extreme generosity of Chile could not be understood.

“Conditional treaties are permissible by law, and in this particular case, stipulations having been made that from the holding of the plebiscite the transfer of Tacna and Arica or another cove, with an anchorage for merchant ships, would be dependent, the proper step to take was to wait until such condition was fulfilled. Bolivia was then, as she is now, ready to wait for the realization of the plebiscite and its consequences.

“That the plebiscite will take place there is not the slightest doubt, as it was thus stipulated in the pact of Ancon, and Peru demands it; and if, as your Excellency asserts in your communication, the outcome has to be necessarily favorable to Chile, then the more the reason for those protocols to have been preserved in force, since their main provision is to be fulfilled to the satisfaction of Chile.

“And I would furthermore affirm that the failure to hold the plebiscite could be attributed to the Chilean department (Cancilleria) as this refuses to accede to the demands of Peru, which does not ask but that the plebiscite be held without loss of time, in compliance with the Billinghurst-Latorre protocol.

“Consequently, Mr. Minister, and this cannot be disputed, the failure to comply with that condition, far from being a motive for caducity of the treaty, is a reason for its enforcement and fulfillment.

“But why discuss this matter any further? The truth is, as your Excellency states, that ‘the offensive power (of Chile) has increased a hundredfold, and to be as plain as international affairs demand it at times, Bolivia must not count upon the transfer of the territories of Tacna and Arica, even if the

plebiscite be favorable to Chile, because the Chilean people with a uniformity that is seldom seen has made manifest their will to preserve those territories.'

"It is your Excellency's opinion that Bolivia has no imperative need of a port, and having at present means of communication through the ports possessed by Chile, a narrow strip of territory is neither necessary nor indispensable; or plainer still, it would be better to preserve the actual geographical conditions.

"The lack of imperative need, Mr. Minister, is not a reason to deny a right or disown a legitimate request. If this were so it would be an argument against Chile. Said Republic has an immense coast and many ports, and it is not imperious that she keep them all; many of them, besides, are uninhabited and deserted. Therefore, one of them could be granted to Bolivia without impairing her (Chile's) interests in the least.

"My government never thought that the advantages and usefulness of possessing a port could ever be disowned. This fact was acknowledged not long ago by the Chilean Government and people. On this account she (Bolivia) thought it superabundant to enter in the discussion of a point which does not admit of contradiction. * * * *

"According to your Excellency, 'the bases proposed by Chile are equitable. The only ones compatible with the present situation, it being an error to affirm that Bolivia has a right to demand a port in exchange for her littoral, it being of no importance whether this littoral is rich and worth many millions.

"Upon the termination of war the victorious nation imposed her conditions; Bolivia being vanquished had to surrender her littoral.

"Chile therefore owes nothing, because she is bound to nothing. The surrender of the littoral was absolute, unconditional and perfect.

"In consequence, therefore, the bases proposed and accepted by this country (Chile) amounting to large concessions to Bolivia must not be considered as equitable, but as generous as well.' * * * *

"I sincerely lament not to agree with your Excellency in these conclusions.

"The surrender of the littoral has not been absolute, unconditional and perfect. Had it been so, your Excellency would not be engaged now in these negotiations, to which the character of being pressing and not to be deferred has been given. Said surrender was indefinite, in usufruct, so that Chile might profit from the revenues as a war indemnification. Article II of the pact of truce provides that only while it is in force Chile was to possess and control the littoral. There has been, therefore, no absolute cession of ownership, and this being the case the cession requested by Chile ought to be the subject of new negotiations and stipulations, and that is what is being done at present. It is, therefore, legitimate to compare the bases and weigh their equity.

"To this end I have brought to the discussion the value of the littoral, to show that in exchange for that value, only a strip of territory was asked representing at the most the twentieth part of said value.

"The littoral of Bolivia, Mr. Minister, is very rich both on account of its intrinsic value and its revenues, and it is proper to state this, so that the representatives of Chile may act in an equitable manner in the concessions they call generous.

"The Bolivian littoral embraces an area of 158,000 square kilometers, with a population of 32,000 inhabitants. It contains four ports, Tocopilla, Antofagasta, Cobija and Mejillones, and seven coves, Gatico, Guanillos, Michilla, Tames, Gualaguala, Cobre and Paquico.

"Its fiscal and municipal revenues amounted last year to \$7,500,000.

"It contains an abundant wealth of silver, copper, gold, borax, sulphur, nitrate and salt deposits.

"The Toco nitrate fields are very extensive, and they alone produce to the treasury a yearly income of \$5,545,000.

"There are other nitrate fields with a standard of from 70 to 40 per cent. in the Joya region, on the borders of the River Loa, and in other localities; and it has been recently ascertained by investigations and surveys that they embrace an area of 190 square kilometers.

"All these nitrate fields will be worked in time, and in a few years the revenue derived from the Bolivian littoral will be over \$10,000,000 per annum.

"The industrial and urban properties lying within this territory are estimated at present at forty millions.

"It is not venturesome, therefore, to state that the Bolivian littoral with this wealth represents at least a value of one hundred millions.

"There is also to be mentioned that during the twenty years Chile has been in possession of said littoral, since the pact of truce, she has received at least one hundred millions. During this same period she has imported her natural and manufactured products free of customs duties to Bolivia, thus profiting by the advantages resulting from said franchises.

"In exchange for these concessions and these amounts, what have been the demands of Bolivia? A belt of territory containing a port which is equivalent at most to one-twentieth of what has been surrendered; the obligation of Chile to pay the liabilities affecting said littoral, and those recognized in favor of Chilean mining enterprises which suffered during the war seizure of 1879; payments which will indirectly benefit Chile, as all the creditors are Chileans, domiciled in Chile.

"Thus Bolivia's generosity is most evidently shown, since your Excellency uses such words, also the sacrifices she makes to obtain peace. Your Excellency cannot, and has no well-founded reasons to qualify Bolivia's conduct as refractory to pacific solutions by reason of her exaggerated pretensions.

"I shall not dwell upon the declarations your Excellency has deemed expedient to make in the communication to which this is a reply, and according to which victory would be the supreme law of nations. By so stating, your Excellency has in the name of his government compromised principles of public law heretofore universally admitted; and it is not amiss to remember that said principles have been newly sanctioned by the greatest powers in the last International Congress held at The Hague, which, notwithstanding the

military forces at their disposal, have sought in their memorable conferences to attain highly humanitarian ends, endeavoring to prevent the great ills of war, and to insure the empire of right and justice.

“Neither is it out of place to remember here the declarations of the American Congress of April 18th, 1890, against conquest and territorial cessions under threat of war or pressure of armed forces, and the remarkable conduct of European powers when upon mediating in the last war between Turkey and Greece they caused the idea to prevail that indemnification ought not to be unlimited, but in proportion to the financial means of the vanquished.

“Before these precedents, authorized by the agreement of the first military nations, your Excellency will allow me to state with great sorrow that only an exaggerated patriotic zeal could have influenced you to deny these principles to the country I have the honor to represent.

“‘For many years, Mr. Minister, your country has wished to exchange the pact of truce for a treaty of peace, and settle in a final manner the differences with Bolivia. The Chilean Government and people cannot wait any longer; they believe they have patiently waited.’ Whoever should read these lines would think that Bolivia has resisted to settle said differences. This charge is not exact.

“The pact of truce is both ominous and onerous to Bolivia exclusively, and for this same reason it is in her well-understood interests to define the present situation.

“With this end in view she has on several occasions proposed certain bases which sometimes have been rejected for no other reason than that the Chilean people had changed their aspirations; at other times treaties have been concluded and the Bolivian people and Congress approved them, while Chile has abandoned them of her own volition. The twenty years spent in fruitless negotiations are due to the policy of Chile, a strong nation constantly on a war footing, and for these reasons the only factor responsible for the events.

“Although in the judgment of your Excellency it becomes ordinary politicians to cling to an idea in harmony with the prevailing public sentiment, I must make the state-

ment, while answering this point, that politicians in Bolivia have always been led by the minimum of the concessions the victor would grant, and have agreed in the majority of cases with the propositions, both projected and written by the Chilean department (Cancilleria) itself. It is in Chile where public sentiment has changed at the same time that the conduct of her politicians, this being, in your Excellency's words, 'a matter worthy of meditation on the part of the statesmen of Bolivia to investigate why a judicious and justice-loving people such as Chile has in regard to Tacna and Arica ideas very different from those publicly expressed in May, 1895.'

"Be it as it may, my country, Mr. Minister, sincerely yearns for peace and has given numerous proofs in this connection; the tenor, the form of this very document itself, the exquisite courtesy shown by this department (Cancilleria) are further evidence of this, in the presence of your Excellency's communication.

"Chile having suddenly changed the old bases for new and unexpected ones, my country is in need of reflection upon them. The Bolivian questions with Chile are complex and difficult, embracing territories, frontiers, commerce, custom-houses and indemnifications, and such matters cannot be settled finally on first impression.

"Bolivia, no matter how weak she is, is an independent and sovereign nation, on a level with the others, and in her negotiations has a right to proceed calmly, consulting her interests. She would not accept any imposition, no matter in what form; on the contrary, under such conditions it would be in her dignity to postpone all diplomatic negotiations.

"The pact of truce of April 4th, 1844, ended the state of war and determined the political, commercial and customs relations between the two States. It has been in reality a treaty of peace, no matter how frequently the return to hostilities has been mentioned, without further formality than one year's advice.

"The amendments to the clauses of this pact are and must be a matter of negotiation with free and ample deliberation, as set forth in Article VII, which provides that in entering into a pact of truce the purpose of the contracting parties

was to prepare and facilitate the settlement of a solid and stable peace, reciprocally binding themselves to continue negotiations leading to this end. If, unfortunately, a new treaty were not concluded, said pact would remain in force while waiting for the opportunity to conclude a final one.

"Upon these convictions the Bolivian Congress will consider the bases proposed by both departments (Cancilleria), not losing sight of your Excellency's categorical assertions that the government and the Chilean people have the unflinching purpose to maintain their possession and domain over the territories in actual occupation by them."

II

The effect that these two communications produced in the diplomatic world, startled the Chilean Government. Everywhere from Buenos Ayres to New York, and from Lima to Mexico, the American press took up the defense of outraged Bolivia, and the unanimous verdict was of condemnation of the Chilean policy. The Government of Chile naturally became alarmed and tried to quiet the animosity raised against it, and to this effect Señor Errazuriz Urmeneta, the Minister of Foreign Affairs, issued his circular note addressed to all the Chilean representatives abroad. In that note he tries to explain away and to apologize for the hard and un-diplomatic language used by Señor König; but he maintains the essence of the *ultimatum*, declaring that the Chilean diplomat was correct in declaring that vanquished Bolivia could never expect to sign a definite treaty of peace with Chile unless she should surrender, as a basis of negotiations, her request for a seaport necessary for her communication with the outer world. This circular no longer referred to the conquests of Chile, nor to her rights as conqueror; it was, in this respect, more temperate in tone; but, on the other hand, it was prepared maliciously and regardless of facts, and the statements conflict sadly with historic veracity. Like other Chilean official documents, it was specially written to serve a purpose, therefore its accuracy can be taken as naught. Perhaps its chief *raison d'être* was to exonerate the govern-

ment from blame for the still unsettled state of the disputes with Bolivia and Peru, to charge these two countries with imaginary offenses and try to shift the responsibility of the situation from Chile to the late allies. It contains some very curious statements with regard to the Chilean boundaries. For instance, the following:

“The northern boundary of Chile was, from its earliest existence, at least the 23d parallel of south latitude. The most ancient and most authoritative historians, the legal enactments of the Spanish sovereigns and the acts of jurisdiction exerted by Chilean authorities during the colonial period and during our existence as an independent nation, uniformly concur in establishing this fact, never contradicted until April, 1842.

“It was only after that date, when Chilean initiative had discovered and Chilean capital had begun to develop the several mineral and organic resources of this territory that Bolivia came forward to dispute our rights of sovereignty and dominion, constantly exercised by Chile and repeatedly admitted by Bolivia herself. Our government, after a protracted discussion between the Chancelleries, and after victoriously establishing its rights, desirous of maintaining its friendly relations with Bolivia, ceded to her a part of the disputed territory down to the 24th parallel of south latitude in consideration of political and commercial privileges granted by her government to our numerous citizens and their valuable interests domiciled in that territory. * * * *

“Chile revindicated what belonged to her, what had never ceased being hers, the concessionary having never complied with the indispensable conditions upon which the cession was made.

“It was therefore not on the title of conquest but on that of reversion that Chile recovered her northern territory up to the 23d parallel; she did not allege the right of victory but that of legitimate and traditional ownership; Bolivia was not deprived of a single inch of her territory, but she, through her own act, rendered null and void the treaty of cession concluded with Chile, and thus restored the condition of things which existed prior to 1866, and thereby returned the prop-

erty, ceded in a contract annulled by the concessionary, to the dominion of its primitive owner.

“At the conclusion of that war forced upon us which brought on our country unmeasurable sacrifices, Peru transferred to Chile as a war indemnity its department of Tarapaca. There remained then between the old northern boundary of Chile and the southern limit of the department recently annexed, viz., between parallel 23d and the mouth of River Loa, a narrow and little valuable belt of Bolivian littoral, which interrupted the continuity of the territory of Chile. Besides, the indemnity due by Bolivia for the damages caused by a war she had brought upon three nations had yet to be settled. Any one of these two reasons justified the acquisition by Chile of that narrow belt of land, the material value of which was entirely due to Chilean labor and to Chilean capital.”

And in reference to the value of the Bolivian and Peruvian territories, he says:

“They accuse us of covetousness, relying on computations that some regard as ingenious, but which are only extravagant, by means of which they pretend to show that the war indemnity claimed by Chile exceeded several times the actual value of the sacrifices brought upon her by that war. * * * *

“I deem it advisable to state that the war indemnity received by Chile from Peru and Bolivia was not adequate compensation for the expenses and sacrifices that her antagonists forced upon her.

“Apart from the fact that the intensity of a sacrifice can be better appreciated by he who endures it than by those that witness it, and not reckoning calamities that cannot be estimated in money, it has been proved beyond doubt that the department of Tarapaca, in the condition in which it was and in the actual value it had when it was handed over to Chile, was not worth the amount spent in the war. Whatever that territory may have produced thereafter and whatever it may be worth to-day has not been granted by Peru, but is the natural and remunerative result of Chilean labor and Chilean capital therein invested.

“As for the small Bolivian littoral, Chile might have kept it as a moderate and even a deficient war indemnity, has always tendered and continues even now to tender to Bolivia, in exchange for it, pecuniary compensations and material advantages worth to her much more than the value of that territory. Bolivian statesmen acknowledge this and would readily accept what Chile offers as a liberal price for that littoral were it not for the feeling of self-pride that inspires them with the wish of having ports on the Pacific Ocean. The most exaggerated pecuniary estimations of that territory do not attain the amount at which are valued the offers made by Chile.”

III

The Chilean circular and all its inaccuracies could not be allowed to remain unanswered, and so Señor Felipe de Osma, the Peruvian Minister of Foreign Affairs, felt it desirable to present the subject in an intelligent manner to foreign nations and their people in order that there may be a clear understanding of the grave issues involved, and the sentiments of justice and equity which have actuated Peru in endeavoring to bring about a final settlement. Minister Señor de Osma therefore prepared an interesting statement, which, coming from an official of such high station, would be considered authoritative of Peru's position in this international controversy.

He takes up the several arguments as presented by his Chilean colleague, and in numberless quotations from the diplomatic correspondence between both governments during the last nine years he destroys those arguments, and very clearly shows that, whereas his government has followed a straightforward and upright line of conduct in dealing with the question at issue, the Chilean Government has employed every conceivable method in order to defeat the aim of Peru, and thus left this long-pending dispute in the unsatisfactory state in which it still remains to-day.

Chile's main contentions as represented by Minister Errazuriz Urmeneta are to the effect that Peru and Bolivia's rivalry and suspicions rendered a final settlement impossible,

and that the constant efforts of Chile had been frustrated by Peru's inability to carry out the propositions which she herself had made. And in order to give more strength to his several assertions he does not hesitate to drag into the discussion such questions as: Who provoked the war of 1879? and, What was the material value of Tarapaca at the time of the conquest by Chile? thereby wishing to divert public opinion from the real question at issue. But on this ground he is met by Minister Osma, who, after declaring that it is ill-advised to resuscitate the whole history of the war and of the reasons which led to it, gives to the world the true text and exact history of this much-debated point, by the publication of the treaty of alliance between Peru and Bolivia, and of such documents as serve to prove that its nature was not *offensive*, but *defensive*.

With reference to this controversy, Minister de Osma explains the purpose of his statement as follows:

"This circular note contains statements with which I feel bound to deal, rectify them in so far as reference is made to the precedents of the present difficulties between Peru and Chile, in order to avoid that in leaving them as presented, any change may take place in the opinion which American nations have already formed of the origin of so serious a question and of the responsibility attaching to its present state."

The Minister then turns his attention to showing that Chile's claim that Peru and Bolivia are responsible for the delays reaching a settlement is not well founded, and says:

"No right-minded person who studies this vast international controversy can fail to see that the difficulties for obtaining the required solution of the dispute between Chile on the one hand, and Peru and Bolivia on the other, are in no way imputable to the latter countries. The origin is more remote, more ample and radical, if anything, for it arises from the persistent resolve of Chile to refuse to Bolivia the port or the seaboard which she claims as an indispensable condition of existence, and to Peru the prompt and exact determining of the plebiscitum which will end the irregular condition of Tacna and Arica. While these two obliga-

tions remain in abeyance, the present difficulties will drag on and will become more serious and undetermined, at least in so far as we are concerned, because, as the Government of Peru has had occasion to express, it is the firm resolution of this nation to procure by all possible means the reincorporation of those provinces."

Mr. de Osma then shows how Peru has insisted at all times in having the treaty carried out to its letter, without varying it to suit exigencies which have arisen. In particular, he urges the injustice of Chile's restoring to Bolivia a coast line from the territory in dispute, and says that if Bolivia must be given a coast line, "the natural thing would be to mark it out within what rightly belongs to Chile, where the invoked principle of the continuity of Chilean territory would not apply." As showing Peru's resistance of any such arrangement, he says:

"Every unwillingness on the part of Peru to yield on this point is consequently perfectly legitimate, because it is based on the exercise of unmistakable rights, without thereby implying that there exist differences and profound jealousies between both States. But the logical and inevitable conclusion, which history will take care to note, is that it behooves Chile to satisfy such wishes within the bounds of the territory which her conquests have given her. Such jealousies and rivalries, if they have at any time existed between Peru and Bolivia, have been transitory, and they could not have had, in any case, a greater intensity than the desire, at all times loyal and sincere on our part, to inspire our conduct according to the dictates of justice and with the traditional bonds of amity uniting both nations. And it appears to me quite useless to add on this occasion, that Peru will not abdicate one single iota from the rights and expectancies to which she is entitled by the Ancon treaty; that she will uphold with equal tenacity the said rights, and that she does not recognize in any other nation the authority to conclude, without her assent, agreements in direct opposition to the very clear stipulations of that treaty."

Minister de Osma is careful to state, however, that while Peru has resisted Chile's giving territory which was in dis-

pute as a means of restoring Bolivia's coast line, she has never sought to delay any fair measure of adjustment between Chile and Bolivia. On this he says:

"And it is well at this stage to declare, so that your Excellency may make it known unto the government and the political circles of the country to which you are accredited, that Peru never, not for a single moment, during the course of her persistent overtures and negotiations in favor of the plebiscitum for the recovery of Tacna and Arica has prevented or tried to prevent, the celebration of a definite agreement of peace between Bolivia and Chile."

The Minister says that in laying the matter before the people of other countries, Peru is desirous of having it fully understood that her only purpose is to secure justice, and to carry out the expressed terms of a treaty agreement. On this he says:

"We desire to convey to other countries the conviction that we take part, with serene spirit, in this prolonged negotiation in quest of the plebiscitum, exempt from hatred and provocation, seeking only for justice; the whole history of the question bearing testimony to this.

"However, I cannot fail to remind your Excellency of the duty which devolves upon that legation of challenging all and any charges which affect the historic veracity of the conflict with Chile, as they give rise to attitudes and resolutions which are perfectly groundless."

The idea of arbitration has been advanced from time to time, and Minister de Osma speaks of the earnest desire of Peru to adopt this means of settlement, which has appealed so widely to the nations of the Western Hemisphere. He says:

"In the course of those lengthy and complicated negotiations, during which the possibility of a war became more than once apparent, the Peruvian Government always made the most loyal and strenuous efforts to bring about an understanding between both countries, offering or lending at all times her good offices, or her friendly mediation, as a proof of her deference to the high aspiration of American fraternity which Chile herself did not fail to invoke on similar occasions."

As showing Peru's constant effort to settle the controversy, Minister de Osma says:

"From 1895 until April of 1898 incessant attempts were again made by our Foreign Office and its representatives in Chile to arrive at an understanding for the taking of the plebiscitum; and, in order to remove every possibility for any new excuse on the part of Chile, simultaneously with these attempts, special funds were provided to enable our government to make an immediate payment of the indemnity in the event that it should be deemed necessary to do so."

At one time an arrangement was made to refer questions in dispute to the Queen Regent of Spain, and this gave some hopes of a settlement. Mr. de Osma says of this plan:

"Throughout these incidents nobody will fail to see the untiring constancy with which Peru demands the favorable settlement, that, by placing in the hands of the Queen Regent of Spain the decision for the manner of taking the plebiscitum, will bring back to these nations the tranquillity and friendly fellowship from which their prosperity and greatness should be derived."

The idea of submitting the matter to the Queen Regent of Spain was approved by the Peruvian Congress, but it failed of realization when the Chilean Congress did not confirm it. Thus the matter remains open, and the great stretch of border country between the two nations remains under the control of Chile, notwithstanding the treaty arrangement that this control should last only ten years. Minister de Osma says in conclusion:

"In the presence of the facts and precedents of the question which I have narrated it would be difficult to explain in what manner the Government of Chile could, without loss of its international prestige, maintain, in its present state, the controversy respecting Tacna and Arica, and the more general one of the Pacific."

The Minister adds that Peru never questioned the right of Chile to receive her fair compensation for victory, "but what she steadily refused to accept was the dismemberment of her territory, of those political sections vinculated with the fatherland by the bonds of origin, of tradition, of affec-

tions and of a joint effort, in more than three centuries of existence and progress; of these territories which have also cost us 'glorious sacrifices, thousands of precious lives and hundreds of millions of treasure.'"

IV

We now reach the final scenes in the drama. Chile carries out her decision of breaking her engagements, entered into successively with Peru and Bolivia. The April agreement between Peru and Chile had been subscribed, owing to the pressure of circumstances, but these had since disappeared. Arbitration was one of the stipulations of this treaty, but Chile will not agree to arbitration except in special cases: when negotiating with nations stronger than herself. This occurred with the United States in the Alsop Claim, and with Argentine in the all-important question respecting the sovereignty of territory and delimitation of frontiers. Chile gave way on both occasions because, besides being in the right, these two countries had the means of compelling Chile to respect their verdicts, but with Peru a different process was adopted. A Chilean writer, evidently imbued with German doctrines, stated that "Arbitration * * * is not a measure to be adopted whereby a conquered nation may evade the consequences of war when this has broken out."* The official representative of Chile in Tacna and Arica, Anselmo Blanlot Holley, adds that "the interpretation of the treaty of Ancon cannot be left to a third party, since the nations which agreed to it did so after the possibility of arbitration had been excluded." "Chile could not agree to a course which might make her lose possession of this territory." †

This was the feeling which was dominant in the Chilean Parliament, which rejected the April agreement. In January, 1901, the Chilean Chamber of Deputies unearthed the Billinghurst-Latorre protocol, at the instigation of the Plenipotentiary

* Quotation taken from a Chilean-inspired article published in the South American supplementary page of the *Times*, London, 1911.

† "Tacna and Arica After the Treaty of Ancon," by Anselmo Blanlot Holley, Santiago, 1918, University Press.

Chacaltana. During the debate all the members were agreed that the protocol should be rejected. This conclusion was never in doubt for a single moment; the form which the rejection should take was alone the subject of discussion. Some were for unconditional rejection; others wished to attenuate the step, returning the protocol to the Chief Executive, with the recommendation that the clause referring to arbitration be stricken out. This was the decision of the Committee on Foreign Relations of the Chamber, which decided on the following draft of agreement:

“Taking the different opinions expressed during the debate into consideration, but above all the necessity for the direct settlement, by the Governments of Chile and Peru themselves, of those points which the protocol of the 10th of April, 1898, reserves for the decision of an arbitrator, the Chamber has decided that the whole matter be referred to the Executive, so that he may undertake new diplomatic negotiations towards the carrying out of the provisions of Clause III of the treaty of Ancon. Santiago, January 14th, 1901.

(Signed)

“MIGUEL CRUCHAGA,

“FRANCISCO A. PINTO,

“MANUEL SALINAS,

“GUILLERMO PINTO-AGUERO.”

The Chamber approved this decision and the protocol was therefore rejected, almost three years after it had been celebrated. The reason for its rejection, as is very apparent, lay in the fact that Chile preferred to treat with Peru respecting the points which the protocol reserved for arbitration. But as these points have been under discussion for many years, Chile steadfastly refusing to agree to the principles invoked by Peru, Chile's rejection of arbitration, the sole remaining and possible solution, amounts to the explicit declaration that this country does not intend to honorably settle the difference with Peru.

With regard to Bolivia, matters were no better. Chile eluded the ratification of the protocols of May, which contained the stipulations granting Bolivia an exit to the sea, substituting these for others, from which this provision is absent, their place being taken by a payment of £1,700,000, to be applied to the construction of certain railways.

It is easy to understand that Peru should have agreed to the treaty of Ancon while its territory was occupied by the armies of Chile, and under the pressure of the irresistible and grievous necessities of war. But that Bolivia, after twenty years' truce, should relinquish through non-compulsory negotiations, all her coast and, of her own free will, consent, in exchange for pecuniary advantages, to become an inland State, cannot be explained. Bolivian statesmen evidently had no faith in the possibility of the future recovery of their territory; they failed to maintain their rights in the face of sacrifices which such determinations call for.

THE RECALL OF THE PERUVIAN LEGATION

Señor Cesareo Chacaltana, the Peruvian Minister in Chile, who, as has been previously stated, had been sent to Chile with instructions to try to obtain from that government a definite reply on the question of the Billinghurst-Latorre protocol, addressed on November 14th, 1900, a lengthy communication to the Chilean Government, calling its attention to the measures that were then being adopted by that government for the Chileanization of the provinces of Tacna and Arica, and protesting against such measures, which he qualified as infractory of the treaty of Ancon.

In this communication Señor Chacaltana states that "the Government of Chile, as if wishing to repair inexplicable omissions, has adopted a series of measures, some of which have been carried out, while others are about to be carried out, in regard to the political and administrative status of the provinces of Tacna and Arica, with a view of inducing the inhabitants of these Peruvian territories to follow new channels in their aspirations for the future, and this notwithstanding that they have shown themselves refractory to any change of nationality. This difficult and arduous task has been undertaken very earnestly in the last ten months, that is to say, six years after the expiration of the temporary occupation by Chile as provided by the treaty of Ancon of 1883; eight years during which Peru has been trying to ne-

gotiate the carrying out of the plebiscite; seventeen years after the ratification of said treaty, and twenty years since the territories have been under the government and administration of the Chilean authorities. The government of your Excellency appears to have decided to accomplish in a few months that which it did not attempt or could not accomplish in the space of twenty years."

He next states that those measures have raised a feeling of deep apprehension in Peru, that they have caused unnecessary irritation, and aggravated a situation already charged with suspicion and diffidence as to the possibility of reaching a final settlement of a dispute that while left undetermined can only estrange the more their respective nations and people.

After enumerating these objectionable measures, and after showing that they are contrary to the laws of Chile, to the spirit of the treaty of peace, and to every sentiment and principle of right, he protests, in the name of his government, against them, and urges the Chilean Government to resolutely carry out the Billinghurst-Latorre protocol, approved by both governments since 1898, and thus end a situation that while it lasts, only serves to embitter the feelings of each nation against the other.

On the 15th of December, 1900, no reply having been given to the former communication, Señor Chacaltana again wrote to the Chilean Foreign Office requesting a reply and stating that, notwithstanding the fact that his communication of November 14th, and two others of anterior and posterior date, remained unanswered, the objectionable measures were not only being carried out, but that the Government of Chile was actually carrying out others, and granting concessions of a permanent nature in a territory the sovereignty of which was still undetermined.

The Minister of Foreign Affairs of Chile replied on the 18th of December, begging to be excused for the delay which he stated had been involuntary, due to the political crisis and the prolonged ill-health of President Errazuriz. He offered to attend to the several communications of the Peru-

vian Envoy and prove to him how the conduct of Chile had been misconstrued and wrongly interpreted.

As up to the 24th of December no further note had been received at the Peruvian Legation, Señor Chacaltana again wrote, urging for a prompt reply, and reminded the Chilean Government that Congress was already holding its last sittings, and that it became imperative for it to take up the question of the protocol and put an end to an untenable situation.

But, as has been already stated in these pages, Chile was in no hurry to act justly towards Peru, and, therefore, this communication was left unanswered until the 19th of January, 1901, that is to say, five days after the protocol had been rejected by the Chamber of Deputies.

Señor Bello Codecido, the Minister of Foreign Affairs, in his reply, says: "Being to-day in possession of all the data and of the antecedents in reference to the measures objected to by your Excellency, I have now the honor to give you the necessary explanations, and I venture to hope that they will convey to your Excellency the conviction that the acts of my government respond to the lofty sentiments of rectitude and respect for the rights of others, and that they are inspired in the strict fulfillment of its duties, among which the first of all is the defense and safeguarding of its own rights."

He then gives the explanations, and minimizes the importance of the measures, declaring that "none of those measures imply hostility to or ignorance of the rights of Peru, neither do they conflict with the stipulations of the treaty of Ancon. The greater part of them are destined to promote the betterment of the territory, to procure the well-being of its inhabitants, and to assure their prosperity and future development.

"By these legitimate means, by applying her laws and keeping within the bounds of the treaty of Ancon, Chile tries to strengthen her expectation to the ultimate dominion over Tacna and Arica. She will not omit any effort in order to carry out the mission which, as regards the said territories,

was imposed upon her by the treaty of Ancon, so as to deserve the confidence and the gratitude of its inhabitants."

In answer to the charge that the Government of Chile appeared inclined to indefinitely postpone the settlement of the conflict, he says that the signing of the protocol (Billinghurst-Latorre) is the most conclusive proof to the contrary; and, that if the said protocol has not received the sanction of Congress it is no fault of the executive. And he then takes advantage of the occasion to officially inform the Government of Peru that "the recent resolution adopted by the Chamber of Deputies on again taking into consideration the Billinghurst-Latorre protocol has ended an uncertain situation that paralyzed and retarded the negotiations which both governments should undertake in order to solve the problem in reference to the territories of Tacna and Arica. The Chamber of Deputies has not approved the protocol of April 16th, 1898, because it deems that it should be modified in some respects, and it has resolved to return it to the government so as to obtain the necessary modifications, opening for this purpose fresh negotiations with the Peruvian Foreign Office."

Señor Chacaltana could not accept the explanations of the Chilean Government as conclusive evidence that that government was acting within the bounds of the treaty of peace or that it was applying its laws in a legitimate manner; neither could he accept the action taken by the Chamber of Deputies as the means of facilitating an early solution of the controversy. Peru's case was perfectly clear and simple, and he resolved to dot the "i's," so to speak, and show Señor Bello Codecido, with the Constitution and laws of Chile before him, that every one of the measures of Chileanization to which Peru objected were in direct opposition to the laws and practice of Chile, and moreover, that they all more or less tended to pave the way for a permanent possession by Chile or for the carrying out of the plebiscitum under unfair conditions to which Peru would never consent to be a party.

On the 30th of January he, therefore, addressed a fresh note to the Foreign Office, stating in its opening paragraph

that as "the explanations given have failed to destroy the justice of the claims pressed by Peru, I am obliged to insist on them." He, therefore, once more goes over the whole ground, and this time he replies to Chilean sophistry with Chilean law, Chilean constitution and Chilean statements and precedents, and he regrets to have to place on record that he deploras to see that Chile, instead of undoing the wrong which she has done, confirms every one of her illegal actions and maintains them in force.

He emphasizes the fact that these actions and measures have been undertaken solely for a specific purpose, and denies that they respond to any legitimate demand for the welfare of the inhabitants of the territories, and to this effect he quotes a remarkable passage of the report of the Chilean Foreign Office presented to the Congress of 1900, which says: "In the meanwhile, the government making use of the rights that the same treaty of Ancon concedes, has proceeded to adopt with respect to Tacna and Arica *a series of measures* that shall place Chile IN A FAVORABLE POSITION for the holding of the plebiscitum," and he adds, "the concentration of military forces has, consequently, had this chief and professed object, and we already know what is to be expected from the intervention of armed forces in the matter of a popular vote."

And as Señor Bello Codecido dismisses this charge of possible military intervention by stating that "*the moment has not yet come for the taking of the plebiscitary vote,*" the Peruvian Plenipotentiary reminds him that "Peru is not of the same opinion, because that moment arrived in accordance with the treaty of peace, since 1894, and that for that reason Peru has exerted herself since 1892 until the present time to reach an agreement upon which to hold the plebiscitum; and that precisely because of the time for its holding having arrived since 1894 the Government of Peru believes to-day that it is indispensable to its attainment that the legality existing at that time should be restored."

And further on, again referring to those measures that Señor Bello Codecido declares to have been dictated for the well-being of the territory and its inhabitants, Señor Chacal-

tana says: "Peru does not discuss the advantages or disadvantages of the said measures in regard to the prosperity of those regions. It suffices her in order to urge their abrogation, besides their manifest incompatibility with the terms of the treaty of peace, to know the purpose that has inspired them."

And he concludes by declaring that his government is decided to maintain the spirit of peace and harmony as heretofore, notwithstanding the cruel deceptions of the past, but that it demands as a pledge of justice and equity the revocation of the measures adopted with regard to Tacna and Arica, so as not to give to the plebiscitum the character of an imposition. And to prove that the views of his government are not by any means exaggerated in this respect, he quotes the words of the honorable Deputy for Osorno, who at a recent sitting of the Chamber expressed himself in the following terms:

"I must declare that although the transfer of the court of justice, the closing of the Peruvian schools in Tacna and Arica, and the sending of a great part of our army has been applauded, I do not find myself among those who rejoice over the adoption of such measures, and this because I am aware that in a quarter of an hour it is not possible to *nationalize* a territory that has been abandoned during nineteen or twenty years. To be in a position to nationalize the said territories it would have been necessary to begin by rendering the Chilean administration sympathetic by means of a brilliant staff."

Prior to the above communication Señor Chacaltana, on the 19th of January, 1901, wrote to the Chilean Foreign Office, stating that the action taken by the Chamber of Deputies in returning the protocol to the Executive signified a dilatory proceeding, destined to avoid for some time longer, the holding of the plebiscitum, and that such action implied the rejection of the said convention in its most important part. He laid great stress on the fact that if the Governments of Peru and Chile had appealed in the last and supreme instance to arbitration in order to adjust their differ-

ences, it was due to the impossibility of reaching directly at an understanding, and because of the failure of the different combinations that had been put forward to this purpose. How can it, therefore, he asks, be supposed that with the elimination of arbitration it shall be an easy task for the said governments to solve the difficulty directly, by reviving the propositions already rejected?

In order to emphasize the position of Peru he reviews the whole of the negotiations undertaken by his government, and he comes to the logical conclusion that Chile's occupation of the disputed territory is illegal and contrary to the spirit and the letter of the treaty of peace. He proves that arbitration, and only arbitration, could end such an anomalous state of affairs, and he recalls the words of Admiral Latorre, the negotiator of the protocol, who in his message to Congress in 1898 said: "Arbitration has always met with sincere favor in the Chilean Foreign Office in such a manner that it has come to be one of the most honorable traditions of its diplomatic practices. To recur to it in connection with the important question of Tacna and Arica would be, on the part of Chile, equally a means of guaranteeing her own rights, as to offer a new proof of the spirit of justice that inspires her actions, and of her respect for the lofty and conciliatory measures that modern civilization recommend."

The Peruvian Minister asks: "Has arbitration ceased to be, since 1898, a guarantee for the rights of Chile in connection with the Tacna and Arica affair? Has Chile ceased to regard arbitration as a conciliatory measure, recommended by modern civilization? I feel certain that your Excellency's answer to these questions will be absolutely negative. Arbitration has not ceased to be either one or the other. Therefore its elimination from the protocol will be inexplicable to my government, and still more inexplicable will be the abandonment by your Excellency's government of the defense of a convention signed by it with all due premeditation, and which also was upheld by it with the greatest ardor in the year before mentioned."

He next recalls the fact that the only concrete and clear proposition that Chile ever made during the long years of

negotiations that preceded the signing of the Billinghurst-Latorre protocol, and while that government rejected every one of Peru's propositions, was based upon the renunciation by Peru of its rights and expectations in exchange for an indemnity of ten or more million pesos. Such a proposition was made in 1890 and renewed in 1895 and 1898, and on each and every occasion it was met by Peru's stern refusal to entertain it, Peru invariably declaring that her national aspiration was directed to the reincorporation of the captive provinces with her nationality, and offering, in order to more quickly attain this, to pay the necessary indemnity. From which he concludes that the action of Chile has been invariably of resistance against the holding of the plebiscitum, a resistance that has prolonged the negotiations and consequently extended indefinitely the illegal occupation of the provinces.

After recapitulating the *series of measures* that Chile has carried out during the last months, in furtherance of the policy of *Chileanization*, he establishes in the following clear and precise terms the position which his government feels bound to take:

"The provinces of Tacna and Arica should have determined their future status in 1894, when the rights of Chile in her capacity of possessor expired, and when their legal status had not been altered. The government of your Excellency has had no faculty to alter violently and substantially that condition with the object of seeking in a different condition, brought about after many years, the probabilities of success that the former situation did not offer it. It would be as unfounded to sustain that Chile has been empowered to delay the plebiscitum for seven or ten years after 1894, in order to create a propitious condition favorable to her interests, as it would be to affirm that she had a right to do the same and for a like object for a hundred years or for an indefinite time. From this to support in times of perfect peace the right of conquest there would be but a single step. For the plebiscitum to satisfy the demands of justice and of the convention from which it derives, it is, therefore, indispensable to bring back conditions, as far as possible, to the

state in which they were in 1894; it is necessary for this to revoke the measures detailed in my note of November 14th, so as to reëstablish the legality then existing.

“Peru’s condescension to accept any agreement cannot be unlimited; her presence at the plebiscitum cannot be of a merely nominal nature; her rôle on that occasion cannot be that of a simple spectator. As an automatic entity, jealous of her dignity and of her rights, at the same time as respectful of the dignity and rights of Chile, she has only claimed the strict fulfillment of the treaty of peace, by means of friendly agreements proposed by her, or in virtue of an arbitration when the celebration of those became impossible.

“Negotiations are not being carried on, as some have unfoundedly supposed, between victor and vanquished; the rights of Chile as a victor expired seventeen years ago, with the ratification of the treaty of peace concluded between both countries. Since then it is a question as between two States entirely free, of unequal material strength, indeed, but of equal sovereign power as regards the very high conceptions of right and as regards the laws that regulate present-day civilization.

* * * * *

“Whatever action the Government of Chile may see fit to take in the future in regard to Clause III of said treaty, Péru is not disposed to partake in the plebiscitum under conditions that practically imply its infraction.

“Peru, finally, reserves to herself the right to decline fresh negotiations on the plebiscitum. Meanwhile the legal condition existing on the 28th of March, 1894, is not reëstablished in Tacna and Arica by the revocation of the measures therein adopted.”

The foregoing notes from the Peruvian Minister apparently had no effect on the Chilean Government. The situation since 1898 having changed, and Chile being now determined to follow a strictly Chilean policy of an unbending nature, all the arguments that had then been employed to demonstrate, in the parliament and in the press, the necessity of reaching a final understanding with Peru were forgotten.

The new Chilean policy ran through different channels, and its directors were pledged to see it follow the course that had been mapped for it; so, therefore, it is not surprising to know that Señor Bello Codecido, in his reply on February 18th, 1901, should confirm that policy and advocate its legality. Without giving any convincing proofs, perhaps because there are none to give, of his nation's right to enforce the measures that Señor Chacaltana impugned, he nevertheless upholds his government's action in the premises and again repudiates the charge that Chile has acted in bad faith. To this effect he says:

"There is no justice whatever in the charge that your Excellency makes by attributing to Chile the purpose of frustrating every agreement directed to obtain a prompt, friendly and equitable solution so as to leave to time the work of definitely incorporating with Chile the territories in question.

"Numberless antecedents exist in the archives of Chile and of Peru that show the efforts which on several occasions Chile has made to reach a solution honorable to both nations."

Referring to the Billinghurst-Latorre protocol, he says that the action taken by the Chamber of Deputies cannot have surprised the Government of Peru, who had undoubtedly watched the opposition that since 1898 had been raised against it; that such action "was but the natural consequence of the opinion held by that branch of the Legislature with regard to an international convention which, in its judgment, did not sufficiently safeguard the interests of the country, that *conceded to Peru more than what Chile could legitimately concede her*. Its significance is none other than to demonstrate the necessity of opening new negotiations, and to stimulate the action of the government so that it shall introduce into that agreement the indispensable modifications for it to obtain the sanction of Congress."

And he concludes by appealing to the sentiments of fraternity and calmness that should ever guide them in their labors so as to reach the desired solution.

It is all very well for Chile to proclaim fraternity and to recommend calmness, but when it is realized that in the opin-

ion of the Government of Chile the action of the popular branch of the Legislature is acquiesced in and commended because the arbitration protocol *conceded to Peru more than what Chile could legitimately concede*, and that it is intended to modify that agreement so as to make it acceptable to a body that refuses arbitration, and it is also remembered that Chile has previously steadfastly rejected all and every form of agreement not based upon the retention by her of the two provinces, any right-minded person may well wonder what those modifications that exclude the humane principle of arbitration may be, and consider if Peru has not substantial reason to take up the position that she has taken.

The off-handed manner in which the Chilean Foreign Minister dismisses and answers the charges and imputations that the Peruvian Minister brought against that government since November 14th, 1900, and its decided determination to uphold every one of its illegal acts in regard to Tacna and Arica made it imperative for the Peruvian Government to withdraw its diplomatic representation in Chile.

There was nothing to be gained from the presence of a Peruvian Envoy at Santiago; his petitions on behalf of justice and fairness had been disregarded; many of his more important claims had been practically ignored, so, therefore, his mission was ended. Señor Chacaltana, before acquainting the Chilean Government of this decision, addressed a further note on the 7th of March, in which he says that the questions of the indefinite retarding of the plebiscitum and the enforcing of certain measures having been sufficiently debated between both governments, he wished to rectify some of the statements that Señor Bello Codecido made in his last communication, as for instance, where he states that the treaty of Ancon devolved upon Chile the duty to retain the territories of Tacna and Arica. This duty, by the terms of the treaty, was limited to ten years from the date of its ratification, that is to say, until March 28th, 1894, and that, therefore, the indefinite occupancy that the Chilean Government claims is incompatible with the fixed term that the treaty stipulates.

But Señor Bello Codecido, in defense of his government, says that Chile cannot accept that, because it would be tantamount to deciding the dispute in favor of Peru, an argument that Señor Chacaltana proves to be fallacious, when he states that Peru has never pretended that such should be the case or that the plebiscitum should not be held.

His contention is that if it is not right for Peru to be in possession at the moment of the plebiscitum, it is equally not right that Chile should be when the term of legal occupation has expired, and that in order to overcome the difficulty and so as to place both nations on a footing of equality, now that neither of them, according to the treaty of peace, has a legal status there, Peru has proposed since 1893 that the plebiscitum should be held under the guarantee of a third power who would be but temporarily in possession to supervise the voting.

Chile's objection to this is that the treaty stipulates that her occupation shall only cease with the taking of the plebiscitum if this result against her, which is still another mistake of Chile, because there is nothing in the treaty that would appear to subordinate the expiration of the occupation by Chile to the holding of the plebiscitum, while the treaty does subordinate that occupation to the by-many-year lapsed term of ten years.

Then again, the Chilean note emphatically denies the statement advanced by the Peruvian Minister that in 1893, during the negotiations, a former occupant of the Foreign Office, Señor Sanchez Fontecilla, mentioned the desire of obtaining for his government an extension of the possession by Chile until 1898, and he adduces that the Peruvian Envoy of that time, Señor Ribeyro, must have misunderstood his words.

Señor Chacaltana substantiates his former assertion by stating that the words attributed to Señor Sanchez Fontecilla were spoken by him, and that they are placed on record in several official Peruvian documents, copies of which have been supplied to the Chilean Government, and that their veracity had never until then been questioned; and as a further proof the original memorandum handed by Señor

Sanchez Fontecilla to Señor Ribeyro is there to corroborate the statement; that this memorandum dictated by Señor Sanchez Fontecilla himself reads thus:

“7th. THE TERM OF TEN YEARS STIPULATED BY CLAUSE III OF THE TREATY OF ANCON IS EXTENDED UNTIL MARCH 28TH, 1898.”

Having rectified the Chilean statements and proved how unfair and unwarranted is the action of Chile in the premises, he declares that whereas the measures against which he has repeatedly objected have not been revoked, he maintains, in the name of his government, the declarations contained in his former communications.

Two days later, that is to say, on the 9th of March, 1901, Señor Chacaltana wrote to the Chilean Foreign Office, soliciting an audience of his Excellency President Errazuriz, to place in his hands his letter of recall. In his reply Señor Silva Cruz, the Minister of Foreign Affairs, who had succeeded Señor Bello Codecido, says that he greatly deplores this recall which will deprive him from co-operating with him in the work of peace and cordiality that represents and serves the true interests of both countries, but that he must once more place on record the rectitude of purpose that the Chilean Government has observed and which it will continue to observe in regard to the fulfillment of Clause III of the treaty of peace. That notwithstanding the Peruvian Legation's assertions to the contrary, his government esteems that there does not exist any reason that may justify such an appreciation, because his predecessor had already in his note of the 19th of February fully established the title upon which is based the continued occupation by Chile of the disputed territory.

As will be seen from the foregoing, the Government of Chile refused to retire from the position it had taken. Its parting shot was a reminder that it confirmed its new policy and that it intended to carry it out in all its points.

Señor Chacaltana in due course presented his letter of

recall, and as prior to this Señor Angel Custodio Vicuña, the Chilean Envoy at Lima, had left on leave of absence, diplomatic relations between both countries were practically suspended.

Señor Felipe de Osma, the Minister of Foreign Affairs of Peru, issued on May 26th, 1901, a circular to all the foreign governments explaining the conduct of Peru. This very interesting official document and its many annexes set forth in clear and diplomatic style the reasons that have weighed on the government to withdraw its legation from Chile.

Señor de Osma passes in review the whole history of the controversy and proves beyond any doubt the manifest bad faith of Chile.

In his narrative mention is made, for the first time in an official document, of an episode which has lately gone the round of the world under the name of "a diplomatic scandal." Briefly it is this, in the words of Señor de Osma:

"Simultaneously with the withholding of the resolution on the protocol, with the establishment of the reign of force in Tacna and Arica, and with the promises of the Chilean Government to Señor Chacaltana to recommend the sanction of the said convention, Señor Angel Custodio Vicuña, the Chilean Plenipotentiary at Lima, insinuated on the 21st of September to his Excellency the President of the Republic, the idea of an international concert to carry out the conquest of Bolivia. Probably Señor Vicuña judged that he could avoid the failure which he had met on the part of the noble and energetic attitude assumed by the Chief of the State, by stating in this Department, on the 29th of the same month, that the question of Tacna and Arica might be arranged by the cession of Peru to Chile of those provinces in exchange of an offensive alliance between both States, in order to declare war against Bolivia, whose territory would afford ample compensation for the expense and efforts of the undertaking. It is needless to state that the proposition was peremptorily refused.

"This notwithstanding, Señor Vicuña insisted a few days later, stating, when he was told that not another word would be listened to on the subject, that Peru would have to aban-

don every hope of the holding of the plebiscitum stipulated in the treaty of peace."

Señor de Osma concludes, from the exposition that he makes of all the facts of the case, that Chile has violated Clause III of the treaty of peace and the fundamental principles of public law.

THE BATTLE OVER THE PROGRAM OF THE PAN-AMERICAN CONGRESS*

The closing incidents of this great international question, the greatest that the diplomatic history of South America records, are more or less well known throughout the world because of the place in which they have occurred and of the publicity that has been accorded them.

We shall, therefore, make but a brief sketch of them, as they are fresh in the memory of everybody who has followed the controversy over the final possession of Tacna and Arica.

President McKinley, who in 1886, as a member of the Congress of the United States of America, presented a bill to the effect that the President of the United States be authorized to invite the autonomous governments of America to send delegates to an International Congress for the purpose of revising and formulating and recommending *a definite and fixed plan of arbitration of all differences now existing or that may hereafter exist between them*, very naturally seized the opportunity as President of the Republic to suggest a second meeting of the International Conference, which Secretary of State Blaine had brought together in the winter of 1889.

In the first historical gathering a great step in the direction of Pan-Americanism was accomplished, and if it did not give great practical results it was no fault of the able statesman who guided it. But what good it did accomplish will live long in the memory of the people of free America;

* This chapter was written at the time when the Pan-American Conference in Mexico had met in 1901.

while its great aim of cementing the peace and harmony of the continent is a lasting monument to the memory of its originator.

In that concert of independent States there was but one discordant note, and it came from Chile, the nation which has shown herself at all times antagonistic to the idea of a united America.

No wonder, then, that when, in 1899, the lamented President McKinley suggested a second meeting of the conference "to take up the work of the first Pan-American Congress and to introduce such new subjects as might be necessary," the Government of Chile should have commenced to plot against its reunion, or at least to render it ineffectual for practical purposes.

The same as on former occasions, as has been demonstrated in this work, Chilean diplomacy became very active. Special and well-selected agents were sent to all the principal American States and a thorough plan of undermining actual currents of sympathy was devised and inaugurated in those countries where Bolivian and Peruvian interests were less known and where the consequences of the controversy would necessarily cause no immediate effect.

In due course of time the President's suggestion was taken up by the Bureau of the American Republics, an outgrowth of the first Pan-American Congress, and in April of 1900 its executive committee was delegated by the representatives of the union of republics at Washington to draw up the tentative program for the next Pan-American Congress. The executive committee at that time consisted of the Secretary of State and the Ministers of Costa Rica, Guatemala and Argentina. The tentative program unanimously adopted and submitted to all the governments reads as follows:

The executive committee is of opinion that the new conference should select from the subjects which were considered by the former one those which at the present time are of most importance; that it should study the new subjects which may be submitted to it, and with this object in view proposes the following program:

1st. Subjects discussed by the former Congress which the new conference may decide to consider.

2d. Arbitration.

3d. International court of claims.

4th. Measures for the protection of industry, agriculture and commerce. Development of the means of communication between the countries composing the union. Consular, port and customs regulations. Statistics.

5th. Reorganization of the International Bureau of the American Republics.

In June of the same year the representatives of the union again met and decided that the forthcoming conference should take place at the City of Mexico, the Mexican Government having agreed to issue the invitations and entertain the delegates.

In August, 1900, Mexico addressed a circular-letter to all the governments of the union, inclosing a copy of the program and asking for an early reply.

The following is the text of the letter addressed to the Secretary of State of the United States:

[Translation]

DEPARTMENT OF FOREIGN RELATIONS,

MEXICO, August 15th, 1900.

His Excellency JOHN HAY,

Secretary of State.

MR. SECRETARY:—The Mexican ambassador, as well as all the American representatives in Washington, received from your Excellency's government a circular proposing a meeting, as soon as practicable, of a second International American Conference similar to that which was held in the year 1889, but not in said city, but in some other of the capitals of the New World. Shortly afterward your Excellency stated to our ambassador in a conversation the pleasure it would give your government should the City of Mexico be selected as the place for holding the proposed conference.

On being advised of that conversation I complied, in the name of the President of the Republic, with a plain duty, manifesting that if the majority of the interested governments selected this capital for the conference it would cause us the greatest pleasure and we would consider as an honor the visit of the delegates which our sister republics of America might send, but that if some other city was designated, whichever it might be, for the holding of such an important Congress, we would with pleasure send our delegates there.

At last the majority of the accredited American representatives in Washington, following the instructions of their respective governments, chose the capital for the object referred to—a designation that we appreciate as an honorable distinction, and which, though not solicited, was received with the greatest satisfaction and with truly fraternal sentiments.

I shall say but little respecting the object of an assembly of such great importance, because its transcendental purposes were fully explained in 1889, as well by the convocation as by the acts and numerous publications which it originated. In addition, permit me to hand you the program of the subjects that will be discussed, approved by the same persons to whom I have before referred and of which your Excellency will have already received some information. It is sufficient to say that the subjects of which it treats are, without doubt, of the greatest importance for the good understanding and fraternal relations of the Republics concerned.

It is certain that the next conference cannot discuss all and each one of these subjects, at least, if beside those designated as principals it should be desired to embrace only those alluded to, and which refer to all those left unsettled at the first conference, or which for any account remained pending after its adjournment. But few as were those which now remain settled, the decisions of the assembly on being faithfully followed will constitute so many more advanced steps on the road of harmony between the peoples of the world of Columbus—moral advancement that will serve as an example to the other nations, showing them the benefits of a true and until now purely ideal human fraternity.

Notwithstanding that discouraging pessimism declares

vain the efforts directed for the realization between men of the predominance of justice and the proscription of force as a substitute for right, it is necessary to agree that the constant affirmation of sound theories and their official sanction by governments by means of mutual agreements, of declarations which are morally binding, even though there may be lacking the means of compelling their observance, will continue to produce such a pronounced opinion that the result will be the extirpation of the most fixed abuses, as has been the case with slavery and other evils that seemed to be impregnable bulwarks against reason and philosophy. And, in truth, in order to arrive at the common understanding to sanction those agreements, or to prepare at least for their approval, there are no other means more adequate than conferences or congresses in which discussion is free, and in which all and each one of the delegates with equal privilege can defend their opinions, bringing their contingent of wisdom and knowledge in favor of the general welfare.

On the other hand, in an assemblage like that proposed, there will be cultivated and strengthened anew the sympathies mutually inspired by similarity, whether of language and race or of political institutions, to-day substantially identical among the nations of this hemisphere; and without the pretensions of forming a separate world, not forgetting that civilization came to us from Europe and that the great interests of humanity are one, we must confess that in America there are special interests and closer bonds between her inhabitants, with fewer international complications to secure the welfare of her peoples. This consideration prudently applied will carry us to results that can offend no one, nor will it place us in conflict with the rights of anyone, because we shall be inspired by the dictates of justice and the most complete ideas of liberty, far from all exclusivism on account of language, religion or origin.

Hoping that these ideas may find an echo in the sentiments of that enlightened government, I have the honor to address your Excellency, by instructions of the President of the United Mexican States, inviting the Government of the United States of America to send delegates to the Second In-

ternational American Conference, which will convene in this city on the 22d of October, 1901, assuring you that your delegation will receive the most cordial welcome.

I take this opportunity of reiterating to your Excellency the assurances of my most distinguished consideration.

IGNACIO MARISCAL.

In due course all accepted, with the sole exception of Chile. In the meanwhile Chile found fault with the vagueness of the tentative program, and Señor Morla Vicuna, its representative at Washington, was instructed to try to obtain a modification of the program.

In his note to Señor Vicuna the Chilean Foreign Minister said, among other things:

"Practical results cannot really be expected from an assembly that assumes to extend its labors to so many, so varied and so important matters. If there is but little trust in the success of international congresses, even when they undertake the study of a single question and an exclusive matter (and experience in these late years unfortunately justifies such skepticism), how much more reasonable is it to doubt of the success of a Congress which undertakes to consider all problems regarding the invited countries' politics and finance, arbitration and patent marks, monetary system and weights and measures, legislation and railways, postal, telegraph and custom-house services."

On the subject of international arbitration, avowedly one of the main objects of the Congress, the Chilean Foreign Minister, after calling it "a beautiful idea," says:

"Nevertheless, the idea of attaining absolute, unrestrained and universal arbitration, under the present conditions of international relations all over the world, looks like a simple Utopia, a subject proper for academic discussions, not yet ripe and at times inopportune in international conferences, especially when, as it happened in that of Washington, the pretension is reached of adopting resolutions of a *retro-active* character, which is altogether inadmissible and even vexatious. I, therefore, maintain that as the proposed conference is intended to yield practical results, and not merely

illusory aspirations without any effect, it is absolutely necessary to avoid all discussions which, instead of facilitating agreements and the preservation of harmony, will, on the contrary, produce strained relations and displeasure among the nations invited. There are some among them that have been, as Chile was, dragged to war, and that have had to annex considerable American territories as adequate indemnities."

In concluding his instructions Señor Urmeneta says:

"It would, therefore, be most desirable that the executive committee of the American republics should frankly and precisely define some of the subjects so vaguely included in its tentative program. Otherwise, nothing else would satisfy the Government of Chile, nothing else would insure its tranquillity, nothing else would induce it finally to accept the invitation to the conference—an invitation which it so sincerely wishes to be enabled to accept—*than the inclusion in the program of the conference of a decisive and unequivocal proviso previously establishing that no subjects can be brought under discussion, no resolutions can be adopted, and no agreements can be concluded against which a delegate of any of the republics may have raised an objection.* This previous stipulation would satisfy the legitimate wishes of my government, and would dispel the fears of the possible occurrence of disagreements which we are all in duty bound to prevent."

At the time these suggestions of Chile were not taken seriously at any of the capitals of American republics, being met with the assurance that the Congress itself could avoid offensive discussions. Finally, in February of the current year, Señor Vicuna appears to have announced to the Mexican Ambassador at Washington that Chile intended to appoint him and two other men as delegates to the Congress, and authorized the Ambassador to inform his government thereof. Until that date no reply had reached the Mexican Government from Chile, although all the other countries had unhesitatingly signified their acceptance of the invitation of August 15th, 1900. Thereupon the Mexican Ambassador sent the following dispatch to his government:

WASHINGTON, February 14th, 1901.

MR. SECRETARY OF FOREIGN AFFAIRS, MEXICO:

Chilean Minister received from his government announcing will attend Pan-American Congress, the Minister himself and two other delegates.

M. DE ASPIROZ.

The news conveyed in this telegram for some obscure reason was not made known by Chile, the State Department in Washington continuing under the impression that Chile was unwilling to attend unless her conditions were accepted.

On May 6th the Executive Committee of the Bureau of American Republics met, ostensibly to treat with reference to the sudden death of Señor Guzman, the Secretary, and at this meeting, after resolutions of condolence had been adopted, a communication from Señor Vicuna was read, to the effect that his government wished to have certain points of the tentative program explained before declaring its participation in the Congress.

This meeting was held at the diplomatic reception room of the Department of State, at 11 A.M., and as it gave rise to the heated controversy which stirred up the Spanish-American diplomatic circles for several months, we will now give the minutes of the proceedings at that memorable meeting, as shown in the following stenographic report:

The meeting was called to order by David J. Hill, Acting Secretary of State, as chairman. The other members present were Don Carlos Martinez Silva, Minister of Colombia; Don Joaquin Bernardo Calvo, Minister of Costa Rica; Don Luis Felipe Carbo, Minister of Ecuador, and the Acting Director of the Bureau, William S. C. Fox.

The Acting Director—His Excellency the Minister of Chile addressed a communication to the Bureau of the American Republics, under date of April 30th, which I desire to bring to the attention of the executive committee. I have acknowledged the communication and advised the Minister that the matter would be presented at the next meeting of the committee. The Minister's letter is as follows:

LEGACION DE CHILE,

WASHINGTON, April 30th, 1901.

MR. DIRECTOR:—On May 26th, 1900, you addressed to me the following circular letter:

“MR. MINISTER:—By direction of the Executive Committee of the International Union of American Republics I have the honor to transmit to you herewith a copy of the tentative program of the proposed International American Conference, prepared by the executive committee in pursuance of the resolution adopted at the informal meeting of the diplomatic representatives of the countries of the Union, held at this bureau on the 14th of April, 1900.

“Pursuant to the terms of said resolution, the inclosed program is to be submitted to the various governments of the Union for their consideration and any suggestions they may see fit to make.

“I have the honor to be, Mr. Minister, your obedient servant,

“W. W. ROCKHILL, Director.”

The tentative program of the proposed International American Conference forwarded with this circular letter consisted of five items, as follows:

“First—Puntos estudiados por la conferencia anterior, que la nueva conferencia decida reconsiderar.

“Second—Arbitramento.

“Third—Corte Internacional de Reclamaciones.

“Fourth—Medios de protección a la industria, agricultura y comercio. Desarrollo de las comunicaciones entre los países de la Union. Reglamentos Consulares, de puertos y Aduanas. Estadísticas.

“Fifth—Reorganizacion de la Oficina Internacional de las Republicas Americanas.”

The Government of Chile in its answer to the Minister of the United States of America at Santiago, dated May 21st, 1900, stated that it would be ready to attend to the proposed American conference provided that, according to its declared

program, it shall not assume the adoption of resolutions of retroactive character, arrogating to itself the cognition of subjects present or past in which any of the Republics invited and attending may have an interest, the object of this condition being to preclude the danger of vexatious questions being raised between those Republics.

The Government of Chile gratefully received the tentative program of the proposed American conference drafted by the Executive Committee of the International Union of American Republics, carefully considered it, and stated the suggestions that it saw fit to make to it, at the executive committee's express invitation, in a communication addressed to the Minister of Chile at Washington, dated October 1st, 1900, which, according to instructions, was raised to the consideration of the State Department at Washington on November 23d, 1900.

In that communication the Government of Chile remarks that the first proposition of the tentative program is too ample, and suggests the convenience and even the necessity if concreting it to subjects nominatively mentioned in order to avoid the danger of dissensions of opinions at the conference.

The Government of Chile also remarks that the terms of the second and third propositions of the tentative program are too vague and indefinite, and carry with them the same danger of the first proposition.

The Government of Chile therefore concludes with the expression of the following wish, in answer to the circular communication addressed by the Director of the Bureau of American Republics in the name of the executive committee to the several representatives of the said Republics in Washington on May 26th, 1900: "That it is most desirable that the Executive Committee of the American Republics should precisely define Articles I, II and III of its tentative program." The Government of Chile expressly states that, after seeing the manner in which its remarks to the tentative program are received, it will be able to give a definite answer to the invitation to the second American conference that has been addressed to it.

Please, therefore, Mr. Director, lay this communication before the Executive Committee of the American Republics, in order that it may adopt the resolution it may deem most convenient in view of the desire expressed by the Government of Chile.

I am, dear Mr. Director, yours very truly,

C. MORLA VICUNA.

The Chairman—This communication was submitted in response to the invitation which had been given to the different governments to make any notes they might see fit in regard to the tentative program referred to.

The Minister of Costa Rica—I have been informed of the details of the communication from Chile, and have prepared a paper on the subject which I desire to read and submit as a report and answer to the communication of the Minister of Chile for the consideration of the executive committee.

The Minister read his report, as follows:

Abiding by the resolution proposed by his Excellency the Mexican Ambassador, Señor Aspiroz, and adopted at the meeting of the representatives of the countries forming the Union of American Republics, held on April 14th, 1900, the executive committee submitted the tentative program to the consideration of their respective governments, inviting them to make any suggestions they would see fit in regard to the proposed program. Said resolution read as follows:

“The Executive Committee of the International Union of American Republics, having considered all matters which prompted this meeting, is authorized to prepare a draft of the subjects that, in its judgment, should be submitted to the international American conference.

“The executive committee shall inform, as soon as possible, all the representatives of the countries forming the International Union of American Republics of the results of its work, in order that they may be communicated to their respective governments, with the object that if the invitation is accepted by said governments the necessary instructions may be issued.”

The executive committee has now before it an official communication in which, through his Excellency the Minister of Chile, Señor Morla Vicuna, the government of that Republic suggests that Articles I, II and III of the tentative program are vague and indefinite, and should be defined with more precision, in order to avoid the danger of vexatious questions being raised in the conference, the discussion of which may jeopardize the universality, the harmony and the practical results of said conference. This suggestion implies no modification or exclusion of any point of those proposed in the tentative program, but a request or an explanation or definition that the executive committee is naturally willing to take into consideration and decide.

The executive committee in drafting the tentative program deliberately abstained from going into details, leaving them to be suggested by the invited governments, deeming this course as most conducive to secure the three indispensable conditions—the universal attendance of the American Republics, harmony in its deliberations and the attainment of practical ends for which the unanimous concurrence of the Republics represented is necessary.

In this spirit the executive committee was and is of the opinion that in the program for the second international American conference no vexatious questions should be included likely to cause divisions among the republics invited to labor in common for the good of all.

The executive committee therefore resolves to answer the request of the Government of Chile in the following terms:

“ARTICLE 1. Subjects studied by the first conference that the second conference may decide to consider. Among the subjects studied by the first conference, with the exception of that of international arbitration, which forms the subject of Article 2 of the tentative program, there was no matter which raised any vexatious question in the first conference, and consequently there can be no danger of the second conference selecting any such from among the subjects which it may decide to consider.

“ARTICLE 2. Arbitration—It is meant prospective, and

in no wise retrospective, for the differences that may arise among American republics at a date posterior to the date of the exchange of ratifications of the treaty of arbitration that the conference may adopt. The executive committee obviously abstains from any idea of submitting in any manner any existing questions as part of the tentative program or of prejudging any existing conditions. This Article in itself substitutes Article 7 of the program of the first conference.

“ARTICLE 3. International Court of Claims—A court of the nature of the mixed international conventions, with jurisdiction to consider and decide upon claims presented by citizens of one republic against the government of another republic for injuries to the persons or damages to their property, due to action of the civil or military authorities of the respondent government.”

The Minister of Colombia—I understand the object of arbitration is to avoid war between nations and to have a present method of settling difficulties and questions which may arise from wars. The principles should be such as would cover all cases, present and future. It would be perfectly useless to proclaim a principle of arbitration and leave out pending questions. Those questions might give rise to a war in spite of the adoption of the principle. If any one nation says: “I accept the principle in the abstract, but I do not accept it for questions still pending,” the result would be to annul the principle and to make it practically useless. In this virtue I would accept the proposition of Señor Calyo, but I should like to know the opinion in general of the committee on the subject. To my mind it would be perfectly useless to proclaim a principle that cannot be put to practical application, and which must remain forever among the abstract ideas that can never give practical results. My individual opinion, and, likewise, that of my government, is that all questions that can be arbitrated should be submitted to arbitration.

The Minister of Ecuador—I think the principle of arbitration is acceptable to all, but for the moment that is not the question. That should be decided by the countries, but

should not be decided for the future as well as for the past in a tentative program. While I am of the same opinion as the Minister of Colombia, I think the question should be decided by the countries. The question is, "Will it be for the future or for the past?" The claim of the Government of Chile is that it does not want arbitration for the past. I think it assumes too much.

The Minister of Colombia—The decision must always be for the past and for questions still pending; they always refer to the past.

The Minister of Ecuador—The Minister of Chile contends that for all differences in the future Chile is willing to accept, but not for differences in the past. Questions arising in the past and pending he is not willing to submit to arbitration.

The Minister of Colombia—For instance, I have a question with Chile. I would submit that to arbitration. Chile will say, this question shall not be submitted to arbitration. When we have had a war, then we shall turn to arbitration to settle the case.

The Minister of Ecuador—As a matter of fact we cannot compel such ideas to be accepted.

The Chairman—Practically the only point we have to consider is whether it is the duty of this committee to promulgate a practical tentative program or not. If Chile shows an indisposition to come to the Congress unless these definitions are made, if you refuse to make the definition, you exclude Chile from the Congress. Therefore, you would not have a Congress of all the American Republics; and if the Congress, made up of a part and not of the whole, should pass resolutions regarding arbitration, you could not enforce it against Chile. This Congress must include all the different American Republics, and as the action of this committee is only advisory, it seems right that the principles should be made such as will admit all into the Congress.

The Minister of Ecuador—It is a matter for the Congress to settle.

The Minister of Costa Rica—It seems to me that my propositions cover all these points.

Upon motion of the chairman the resolutions were unanimously adopted.

The Bolivian Minister, a member of the committee, who had been at Buffalo installing the exhibits at the time, on learning of the action taken by his colleagues, hurried back to Washington and called for a new meeting to reconsider a resolution which he regarded as highly detrimental to the interests of his nation and of others.

On May 10th the committee again met, but instead of taking up a motion presented by the Minister of Colombia, to the effect that the resolution of May 6th was a mere suggestion, in no way binding upon the Congress, a motion from the Chair to the effect that the tentative program, as it stood should remain, unless modified by all the members of the Congress, was given the right of way. The discussion became heated, and when a vote was eventually taken it resulted in a tie, which the Chair has refrained from deciding. This action of the committee created a great stir in all the capitals of the continent, and Peru, one of the countries more closely affected by the proposed limitations on the discussion of arbitration, made it known that unless the Pan-American Congress was to be sovereign in the matter of program and in its debates she would withdraw.

After agitated and protracted diplomatic discussion, it was decided in July to refer the whole subject to the Mexican Government for such modification of the invitations, if any, as she cared to make. This had been barely accomplished when Chile came once more to the front and assumed to dictate her terms of acceptance.

The "Tribune," of New York, gave the news in the following words:

"Chile has thrown a bombshell into the Pan-American Congress, and has assumed a threatening attitude toward the United States by insisting that the Congress shall not be sovereign on the question of its program and proceedings, notwithstanding the agreement of the United States with Mexico and the other American Republics to that effect. Señor Vicuna, the Chilean Minister at Washington, con-

veyed this ultimatum to Secretary Hay just as the Secretary was starting for his vacation in New Hampshire, and later on the same day sent the following declaration to the Acting Director of the Bureau of American Republics:

"LEGACION DE CHILE,
"WASHINGTON, D. C., July 18th, 1901.

"SIR:—This morning I had the honor of informing his Excellency, Mr. John Hay, Secretary of State of the United States of America and President of the Executive Committee of the Union of American Republics, of the following resolution taken by the Government of Chile in regard to its attendance at the Pan-American Congress that is to be held in Mexico:

"Chile maintains its acceptance under the conditions of the program as defined by the executive committee on May 6th; program so defined Chile considers obligatory for the Pan-American Congress. Should the said program so defined be substantially modified hereafter outside or within the said Congress, without the assent of all the countries invited, Chile will decide whether it will or not maintain its acceptance. Please, Mr. Director, raise this resolution of the Government of Chile to the knowledge of the Executive Committee of the American Republics, and, in due course, cause it to be communicated to the Government of Mexico, one of the governments inviting to the Congress, in an official way.

"I have the honor to be, dear Mr. Director, with feelings of consideration,

Yours very truly,

"C. MORLA VICUNA."

"North and South Americans are amazed at the peremptory tone assumed by Chile within two days after the formal announcement last week of the unqualified acceptance of every American Republic of the original Mexican invitation. In the meantime the other republics on the continent abide by the original unequivocal assurance to Mexico that they would gladly send delegates to Mexico City on October 22d next, to discuss freely all questions for the development and

maintenance of cordial relations throughout the Western Hemisphere."

This extraordinary note of the Chilean Minister was very properly returned by the Mexican Ambassador in Washington to the Director of the Bureau of American Republics, with a note to the effect that Chile should address herself direct to the Mexican Government if that nation had any remarks to make on the invitation and program.

A few weeks later Chile sent Señor Emilio Bello Codecido as Minister to Mexico, and on October 12th the delegates appointed to the Pan-American Congress left for the City of Mexico, it being then understood that the Congress would be called upon to decide the scope of arbitration.

Chile adheres to her original declaration that she would withdraw if this was permitted to be of a retroactive character and not limited to future questions only.

In using the word "*retroactive*" Chile has sought to mislead all such persons who have no direct interest in arbitration of pending questions, thereby making believe that Peru seeks to reopen the whole question of the Pacific, and challenge the validity of the treaty of Ancon.

As a matter of fact, Peru has never once used the word *retroactive* in connection with arbitration, and nobody knows this better than Chile. But as the word has a savoring of something that is unpractical, unjust, absurd and preposterous she uses it as a blind to hide her own selfish conduct and unreasonable attitude towards the Tacna and Arica question.

The "Tribune," of New York, in an editorial "Misconceptions of Arbitration" that appeared on October 17th, says:

"Now, the fact is that—so far as the world has been informed and so far as it has been possible to ascertain by careful scrutiny and investigation—nobody has proposed any such thing as compulsory retroactive arbitration. The program mentions 'arbitration' only, leaving the Congress itself to determine the scope of its application.

"To consider the case in the most specific manner, Chile

objects to any action which would call into question the legitimacy of her conquests of many years ago—of Tarapaca—and the legitimacy of the treaty which she concluded at the end of that war. In that it may be conceded she is right. Whatever may be thought of her conduct at that time—and the United States expressed its opinion pretty plainly—that conduct has long been an accomplished fact, practically accepted by the world. The treaty of Ancon is valid. It is not to be challenged any more than is the treaty of Guadalupe Hidalgo. Upon that score Chile need have no fear. *Consequent upon and subsidiary to that treaty, however, there are certain other matters which are not yet accomplished facts, but pending and unsettled issues. Arbitration of these would not be retroactive arbitration.* And indeed Chile has practically recognized the fitness of arbitrating them by herself submitting some of them to arbitration. So far as we can discern, the most that is proposed by any one is that the work of arbitration concerning the plebiscitary protocol for the fulfillment of the treaty of Ancon—not the reopening of or challenging, but the fulfillment of it—which Chile herself began, shall be carried to completion. Such action would not question the legitimacy of Chile's conquests. It would rather confirm it, according to the terms of Chile's own treaty. We cannot believe that at the very opening of the Congress, before that body has had time fully to organize and to decide what shall be the line and scope of its deliberations, Chile will declare her withdrawal from it unless it instantly accedes to an arbitrary demand made by her and by her alone. Chile is under no compulsion to enter the Congress at all, or to remain in it, or to be bound by anything it may do, unless she voluntarily elects and agrees so to do. But then neither is the Congress under compulsion to gag and fetter itself or to shape its conduct according to Chile's individual dictation."

And the "Tribune" is right; it takes the right view, a view which the great majority of the representative papers of the United States have taken.

The nineteen American Republics are now gathered together at the City of Mexico. They have before them a splen-

did opportunity to show to the world that there is such a thing as American solidarity. They can achieve a great deal of good and establish the foundation of an irresistible Pan-America.

Will Chile be allowed to wreck the work that Blaine initiated, and of which McKinley was a continuator? "Or are we," in the words of President Roosevelt, "to stand shoulder to shoulder and work out our own salvation, not allowing any territorial aggrandizement on this continent by any Old World power, and scrupulously regarding the rights and interests of each other on this continent, so that instead of any one of us committing the criminal fault of trying to rise at the expense of our neighbors, we shall all strive upward in honest and manly brotherhood?"

PERUVIAN CLAIMS CONSEQUENT ON THE TREATIES WITH BOLIVIA

In the year 1904, when the treaties with Bolivia were concluded, the diplomatic relations between Peru and Chile were severed, because, after the rejection of the Billinghurst-Latorre protocol, in 1901, Peru, as a proof of its displeasure, closed its Legation at Santiago. The report of the Peruvian Foreign Office of the time says, "It is to be hoped that a clear appreciation of the principles of right and the interests of both nations will soon allow a satisfactory solution of this delicate matter to be arrived at."

Notwithstanding the interruption of relations, the Peruvian Government did not lose sight of its rights, and it was obliged to lodge a protest on the occasion of the treaties with Bolivia. The Bolivian treaties of the 20th of October, 1904, contained clauses which affected Peruvian rights. Chile imposed them on Bolivia and both nations subscribed to them in defiance of Peruvian sovereignty. Clause II of the boundary treaty between Bolivia and Chile included the delimitation of the Provinces of Tacna and Arica, and, in addition, of the Province of Tarata, which is not considered or even mentioned in the treaty of Ancon. Peru was not consulted in this decision

respecting her boundaries, so Bolivia and Chile clearly could not stipulate with regard to territories which were not exclusively theirs to barter. Clause III of the same treaty decides respecting the construction of an international railway from Arica to La Paz. This clause, which was amplified in a subsequent protocol, contains the following agreement:

“Both Governments shall opportunely celebrate special contracts to facilitate the payments for international freight and customs dues or for goods in transit to both countries, as well as with reference to the apportioning of the gross receipts obtained from international traffic on the Arica Railway, in proportion to the cost of working each section, at the conclusion of the fifteen-year term to which Article III of the peace treaty refers.”

So Chile, twenty years after having signed the treaty of Ancon, and therefore, without the slightest legal right to the occupation of the Peruvian provinces, was entering into obligations relative to transit of freight and customs formalities through Tacna and Arica during a further period of fifteen years.

The Peruvian Foreign Office protested against the iniquitous tendencies of these agreements and against their illegal stipulations. A communication from the Minister of Foreign Affairs, Javier Prado Ugarteche, dated the 18th of February, 1905, informed the Chilean Foreign Office that * * *

“The delimitation of frontiers, undertaking building operations of a public character, the construction of railroads, entering into agreements relative to the free transit of merchandise and the granting of concessions which may affect the territories and their sovereign rights, are the exteriorization of the exercise of complete and absolute authority which, according to international and civil law, belong alone to the sovereign or owner, but not to the tenant or provisional occupier, which latter is the definition of Chile’s position in the territories of Tacna and Arica.

* * * * *

“The stipulated term, mentioned in the treaty of Ancon for the holding of the plebiscite, to decide upon the definite ownership of Tacna and Arica, expired on the 28th of March, 1894; but the plebiscite has so far not been carried out, although the protocol

relating thereto, which is an absolute part of the treaty of 1883, was approved on the 16th April, 1898.

* * * * *

“The question at issue of Tacna and Arica is not a problem with regard to the solution of which two countries are at liberty to contract as they think fit and as best suits their interests. It is an international matter, governed by a treaty, binding both nations which subscribed to it, and to which both pledged their official word. As against situations of greater convenience which may have arisen, the rigid principles of justice and the unquestioned respect for solemn engagements, must always prevail. Neither of these can be ignored without the most grievous injury to rights, civilization and the self-respect of nations.

“The stipulations contained in the peace treaty between Chile and Bolivia respecting the provinces of Tacna and Arica are a further proof of the absolute necessity for the immediate carrying out of the plebiscite contained in the treaty of Ancon. It is inconceivable that this measure should be ignored, and that meanwhile one of the contracting parties to it should celebrate with a third party agreements which necessarily depend upon the final status of these territories, which the above-mentioned plebiscite must determine according to the agreement of the 23d of October of 1883.

* * * * *

“Meanwhile the condition which obtains in these territories is without a precedent in international history of political relations between nations, in so far that a territory, subject to a plebiscite agreed upon in a recognized and public treaty between two countries, should still remain in possession of one of these at the expiration of the term which was agreed upon for the expression of popular opinion which must decide its definite nationality.

“This anomalous and unique situation is entirely contrary to the treaty of Ancon. The expiration of the ten-year temporary occupation which the treaty gave Chile in the territories of Tacna and Arica, should prevent any change being made in the condition of these territories and forbids Chile from entering into agreements and engagements which may affect their status.

* * * * *

“The stipulations of the treaty of Ancon, with reference to the Province of Tacna, were never meant to include territories which, both politically and geographically, comprise the Province of Tarata, which the treaty does not even mention.

“These territories are not in any way included within the line determined by the source of the River Sama, which the treaty of Ancon gives as the northern limit of the Province of Tacna, from

its source in the Cordillera bordering on Bolivia to its mouth on the ocean. The source of this river cannot be disputed, as the Peruvian Government has had frequent occasion to mention, in the constant protests which it has addressed to your Excellency's Government."

The Minister of Foreign Affairs of Chile, Luis A. Vergara, replied to this claim in his note of the 15th of March of the same year, and alleged the following * * *

"A portion of territory belongs to the State which, in addition to a clear title, possesses the necessary power to occupy it and make it obey its laws and government. As Article III of the said treaty states that the territory of the Provinces of Tacna and Arica 'shall continue in possession of Chile and subject to Chilean laws and government,' it is evident that Peru granted to Chile complete and absolute sovereignty over these two provinces, with no restrictions of any kind regarding the *exercise* of this right, and limited solely as to the *time* by the verdict of the plebiscite which is to be carried out after ten years, counted from the ratification of that treaty, shall have elapsed.

"The period of ten years mentioned by the treaty of Ancon had no other purpose than to guarantee to Chile a minimum time within which she could exercise her authority, but it did not by any means signify that within this time limit the popular appeal should be carried out. This point has been considered in previous communications which are in possession of the Peruvian Foreign Office. In these same communications it has likewise been proved that Chile is not responsible for the delay in carrying out the plebiscite.

* * * * *

"* * * All international plebiscites which have taken place, during the last two hundred years, have merely been a method employed, either for confirming annexation when already effected or a cession agreed upon in advance, as were those which took place at the time of the French Revolution or later during the nineteenth century, with the intention of attenuating the effect of the measures. The result has naturally 'always favored the annexing country, which never found therein a question of its rights, the whole matter being looked upon as a mere formality.'

"* * * The treaty of Prague of the 23d of August, 1866, celebrated between Prussia and Austria, established a plebiscite in favor of the Danish population of Schleswig, which was occupied by Prussia; but this stipulation was annulled by a later agreement, because the Austrian Government realized that matters could not be adjusted as both it and the Danish population desired, and

bowing to the inevitable, agreed that the cession to Prussia of the territory should be considered as absolute.

“The inferences to be drawn from diplomatic precedents, with regard to plebiscites, are that stipulations entered into with reference to these are only carried out for the purpose of securing annexation, while respecting popular feeling on the subject.”

This incident illustrates a new departure in Chilean policy with regard to the question of the Pacific,—namely, that of sustaining the harmful theory of annexation contrary to the wishes of the inhabitants. We will see, further on, how these unjustifiable pretensions were clearly defined; meanwhile it is necessary to give the salient features of the Peruvian Government’s reply. The Minister of Foreign Affairs, Mr. Prado y Ugarteche, in his note of the 25th of April, stated that:

“From its very nature, sovereignty, which is the supreme expression of a people seeking to constitute and govern themselves along lines of free and independent progress; and authority, which is the free and absolute right to dispose of property, both representing the highest expression of nationality, political government and of territorial rights, are incompatible with a provisional and uncertain occupancy, dependent on a time limit, at the termination of which, due to an international agreement, the alleged sovereignty and authority are to be determined.

“Neither can it be maintained, according to international law, that sovereignty and authority can be acquired, excluding cases where this has been obtained through force, unless sanctioned by an act of cession on the part of the sovereign and owner of the territory.

“Your Excellency expresses the opinion that in the treaty of Ancon the exact date for the holding of the plebiscite was not determined; but no doubt exists with regard to the stipulation which the treaty contains, that the plebiscite was to be held on the expiration of the ten-year occupancy; that is to say, on the 28th of March, 1894, so it was unnecessary, for all practical purposes, to specifically mention this date, since it was clearly indicated by stating the years, which were counted, as the treaty says, from the time of ratification.

“When the treaty of Ancon was negotiated and approved, and since then at all times, the Chilean Foreign Office has invariably interpreted it thus, and it has never put forward a contrary opinion.

“In conclusion, your Excellency has thought it opportune to mention certain cases which you consider as typifying cessions of territory, cloaked in the guise of plebiscites; but whatever may be the application which it is desired to give to these, they are in no

wise illustrative of the totally different and peculiar situation which was the subject of a formal and loyal agreement in the treaty of Ancon."

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RENEWAL OF THE NEGOTIATIONS

SEOANE MISSION

In 1905 the Peruvian Government appointed a new Legation to Santiago, in charge of Mr. Manuel Alvarez Calderon,* but the year went by, as did those of 1906 and 1907, without its having been possible for the Peruvian Plenipotentiary to accomplish anything.

The Peruvian Minister of Foreign Affairs complains bitterly, in the Report which he presented to Parliament in 1907, respecting the harm which this inactivity caused Peruvian interests, and he affirmed, once more, the patriotic resolve which he intended to adopt in continuing the negotiations.

"If the men," says the Minister, "who, on the conclusion of the war undertook the thankless task of reorganizing the country after the disaster it occasioned, were able to maintain alive the hope of eventually regaining those two beloved provinces, the present generation, to which is entrusted the direction of public affairs, considers as the most imperious of its mandates and the most sacred of its duties, the defense and the realization of this expectation. We shall therefore make every endeavor to reach some agreement, which cannot any longer be postponed, for, owing to the circumstances governing the matter, which the treaty establishes, delay defeats the very purpose for which they were framed. The intention was to carry out the plebiscite with the available voting power possessed by the provinces, on the conclusion of the ten years' Chilean domination, but not to wait for such changes as might be introduced, in

* The Peruvian Foreign Office took advantage of the first opportunity to renew diplomatic relations with Chile. This opportunity was found in the sentiments expressed by the Minister, Luis A. Vergara, in his note of the 15th of March, 1905, replying to the protest which the treaties with Bolivia occasioned, and which concluded expressing the "desire to come to some agreement, based upon the interests and requirements of both Republics and inspired by the same intentions which have guided Chile in concluding all her difficulties with other frontier States."

the course of time, for the greater convenience of one of the parties to the agreement, and to tardily and arbitrarily accomplish that which was to be concluded by a definite date, impossible of adjournment."

In 1907 the Minister Alvarez Calderon, thoroughly disheartened, resigned, and was succeeded by the Plenipotentiary Guillermo A. Seoane, who presented, for the thousandth time, a demand for the carrying out of the treaty of Ancon. A note from F. Puga Borne, Chilean Minister of Foreign Affairs, dated the 15th of March, 1908, says, referring to Seoane's endeavors * * * "Your Excellency has been good enough to inform me that the question of Tacna and Arica is of such vital importance to your Government, that before it all others pale into insignificance or are susceptible of adjournment, and you formally invite me to proceed to its solution in preference to any other measure."

Mr. Puga Borne endeavored to postpone the discussion of the problem of Tacna and Arica, preferring various other matters to it which he thought might be the means of creating bonds of friendship between the nations, and when at last he desisted from this line of conduct, confronted by the clear and precise demand of the Peruvian Minister, he nevertheless insisted on "including," as he termed it, the plebiscite of Tacna and Arica among a number of useful and important agreements which had, however, no connection with the principal question. He proposed, therefore, to the Minister Seoane, the acceptance of the following propositions:

"1. A commercial agreement which granted free customs entry to certain and specific products from either country which were necessary to each other.

"2. The celebration of an agreement for the development of the merchant marine and for the establishment of a line of steamers, at the expense of or subsidized by, both Governments for the purpose of increasing their coastwise trade.

"3. Association of both countries so as to obtain, by means of their mutual resources and credit, the construction of a railway which would connect the capitals of Santiago and Lima.

"4. The drawing up of the protocol which should determine the form which the plebiscite was to take to definitely decide the future nationality of Tacna and Arica.

"5. An agreement respecting the raising of the amount of the indemnity, which the country, to which the definite sovereignty of these territories would be given, would have to pay to the other.

"This complete proposition,' added Mr. Puga Borne, 'owing to its composite nature, consisting of different matters which compensate one another, must naturally be considered as a whole, one and indivisible.'"

Mr. Puga Borne when presenting his proposition, explained the Chilean Government's interpretation of the plebiscite and the manner in which it was to be carried out. He stated, first, that the framers of the treaty of Ancon implicitly recognized that the plebiscite of Tacna and Arica could not differ from that of other plebiscites recorded by the history of international law; second, that the persons capable of voting on the plebiscite must include all the inhabitants apt thereto, be they citizens of one or of the other country who had established a legal domicile or resident aliens; third, the Government of Chile to exercise the exclusive right of appointing the officials who were to preside at the plebiscite, both with regard to the registration of the voters and the casting of votes, as in the declaration of the result of the voting; fourth, that the amount of the indemnity payable by the State which would be favored by the plebiscite should be fixed at between two and three million pounds.

Mr. Seoane replied to the Chilean proposition. He did not definitely reject it. He considered that the commercial agreement, and those relating to the merchant marine and railways, should be negotiated separately, as they had no connection with the treaty of Ancon. This had been, besides, the decision of the Chilean Government on a previous occasion. In 1893 the Chilean Minister, Mr. Vial Solar, declared in the name of his Government that

"the importance and nature of the plebiscite required that it be not discussed outside its natural surroundings, nor complicated by being considered together with negotiations of a different character."

Mr. Seoane rejected, however, all negotiations tending to increase the amount of the indemnity payable by the country

* Note No. 3 from the Chilean Ministry of Foreign Affairs dated the 25th of March, 1908, addressed to the Peruvian Legation at Santiago.

avored with the verdict of the plebiscite. The Chilean Government, fearing that the voting of this measure would prove adverse, was taking the necessary steps for the modification of the treaty of Ancon, with a view of obtaining from Peru a greater amount than the ten million "soles" for the return of the Peruvian provinces. It appeared to Peru, assured of success, ingenuous at the very least, to expect it to agree to the raising of the indemnity. Mr. Seoane, for this reason stated that:

"To endeavor to increase the amount of the indemnity, stipulated in the treaty, is equivalent to altering its provisions, destroying the unity and relation existing between its clauses and making the fulfillment of the only stipulation still pending, more burdensome for Peru, while Chile has fully availed itself of all other advantages.

"Peru," continued Seoane, "is confident that the plebiscite will be declared in its favor, if lawfully carried out, and I beg your Excellency to forgive my candor if I say that I understand that in Chile also this conviction is felt, and this is revealed by the opinion of one of your well-known statesmen, who deplores the fruitlessness of the laborious propaganda, extending over a period of almost twenty-five years, to induce the inhabitants to favorably accept a change of nationality. Should this not be the case, many of your Excellency's predecessors would not have broken off former negotiations, by presenting unacceptable conditions, and neither would your Excellency have suggested an increased indemnity.

"A country which believes in the triumph of its cause cannot consent to assume a greater pecuniary obligation than that which was originally agreed upon.

"This new amount would be interpreted as a further sacrifice brought on by a war which ended twenty-five years ago, or as an incentive to the defenders of the plebiscitary protocol to acquiesce in concessions which would imply the prostitution of Peruvian rights; and this would be equivalent to a surreptitious sale of Tacna and Arica in defiance of the aspirations of their inhabitants, without whose sanction all territorial dismemberment is illegal; it would, besides, frustrate the unanimous expectations of the people of Peru.

"Believing that any of these hypothetical situations would be undesirable and as my Government cannot conjecture any reason for a modification of the treaty which has occasioned these negotiations, I must, in its name, declare that I cannot accept the proposal put forward."

It is of some interest, moreover, to hear the opinions of Mr. Seoane respecting the interpretation given to the plebiscite

and the rules for its observance put forward by the Chilean Foreign Office.

What was the meaning of the plebiscite as agreed upon in the treaty of Ancon?

“* * * not with the purpose of seeming to acquiesce in the principles proclaimed by the French revolution, but giving to the words their plain meaning only, did Chile enter into the agreement, pledging her good faith as a nation to lawfully carry out the plebiscite in Tacna and Arica.

* * * * *

“All former negotiations bear out this assertion. In those of October, 1880, undertaken on board the American corvette *Lackawanna* and in which the Chilean negotiators demanded, among other minor pretensions, the *cession* of the territory south of the Camarones Gap, the payment of twenty million pesos by Peru and Bolivia jointly, and the *retention* of Moquegua, Tacna and Arica, until the foregoing conditions should be fulfilled; Peru undertaking, in addition, not to fortify the port of Arica *when it would be returned* or at any future time. The negotiations which gave birth to the Bal-maceda-Trescott protocol, subscribed on the 11th of February, 1882, at Viña del Mar, and in which the Minister of Foreign Affairs stipulated, as bases for peace (which the Government of the United States would not accept as conditions for tendering its good offices) the *cession* south of Camarones, the payment of twenty million pesos and the *occupation of Tacna and Arica for ten years* or such longer term ‘as Peru might designate in the treaty,’ with the proviso that if, at the expiration of the stipulated time, this sum were not paid, ‘the territory of Tacna and Arica would be considered, *ipso facto*, to have been ceded, and further, ‘*if Arica should again be incorporated with Peru*, it should never be fortified’; the negotiations in which Mr. Logan intervened, and in which, according to the memorandum of the 18th of October, 1883, the Chilean Minister made suggestions relative to the procedure of the plebiscite, which were rejected by President Calderon, who stated ‘that he was willing to pay ten million pesos for the territory *if the plebiscite should adjudge it to Chile*, and he hoped likewise to receive ten million pesos if the plebiscite resulted in favor of Peru, agreeing that an arbitrator should determine whether Chile had the right to purchase the territory of Tacna and Arica or ‘occupy it militarily for a period of fifteen years, undertaking to leave at the expiration of this term.’

“These negotiations conclusively prove that Peru always rejected the idea of a cession of the territories of Tacna and Arica, under whichever guise it was presented; and when, therefore, a plebiscite by vote was accepted, in the treaty of 1883, it was considered to be

an effective measure, in accordance with the definitions of competent authorities on the subject, and not a compromise destined to deceive national wishes, as has sometimes been the case. For this reason both Republics took into consideration the possibility of the reincorporation with Peru of the territory in dispute, a possibility which was likewise considered in former negotiations. The declarations made by the Chilean negotiator, Mr. Jovino Novoa, to Mr. Larrabure, in 1884, corroborate this, as do those of Mr. Luis Aldunate, which appeared in his report in 1883 (the year of the treaty), when Minister of Foreign Affairs, apart from the unofficial and unauthorized expressions of this statesman.

"A further proof that there was no intention of simulating a cession is to be found in the request addressed by Dr. Larrabure on the 10th of August, 1892—before the 28th of March, 1894, the date upon which the ten-year term agreed upon expired—to Mr. Vial Solar, the Chilean Plenipotentiary, proposing conferences for the framing of the plebiscitary protocol, and these, which at first were only verbal, extended over a period of years, sometimes verbally and at others in writing; both in Lima, with the Chilean Plenipotentiaries, and in Santiago, with very many public men who endeavored, unsuccessfully, to unravel the tangle of these negotiations.

"Indeed, far from arriving at a satisfactory solution, and foreseeing the possibility of a decision favorable to Peru in the plebiscite, Mr. Lira demanded guarantees for the payment of the indemnity, the Government of Chile maintaining its proposition, which was constantly rejected, with regard to increasing, by a few millions more, the original ten, so as to induce Peru to agree to a definite cession by changing the terms of the treaty.

"In Clause No. I of the Chile-Bolivian treaty of the 18th of May, 1895, respecting territorial transfers, Chile undertakes to cede Tacna and Arica to Bolivia, *'in case they should be adjudged to her by the plebiscite*, which is to be carried out in accordance with the provisions of the treaty of Ancon; and in Clause III 'she agrees to use *every endeavor to definitely acquire* these territories'; and in Clause IV she enters into a subsidiary agreement in the event of failure to obtain definite sovereignty over the zone containing the cities of Tacna and Arica, *either through the plebiscite* or by direct negotiation."

"It is very obvious that, had there been the slightest suggestion of an agreement with Peru relative to its desistment, Chile would have considered the possibility—as she does in the treaty of 1895 and in the additional and explanatory protocol of the 9th of December of that year and 30th of April, 1896—of a verdict favorable to Peru.

"In confirming former declarations the Minister of Foreign Affairs of Chile states in his Report for the year 1894, 'the treaty of the 20th of October, has left to a later agreement, confirmed

by a solemn engagement, the *outcome of which is absolutely uncertain*, respecting the final decision on the sovereignty of these territories.'

"In his Message for the year 1900 the President, Mr. Errázuriz, said, 'the definite nationality of the territories of Tacna and Arica has not been decided by the peace treaty.'

"This international agreement was, for this reason, recognized by President Errázuriz in the Billinghurst-Latorre protocol, which the Senate approved, and which, after having been approved as a whole, was allowed to remain in suspense by the Lower House; not because this measure nullified some agreement, but to enable the Chief Executive to undertake further diplomatic negotiations relative to the fulfillment of Clause III of the treaty, which refers to the carrying out of the plebiscite by means of a public vote.

"The inference respecting a feigned cession or the conquest of the territories of Tacna and Arica is not derived either from the text or spirit of this treaty, but from the irregular plebiscites which took place in Europe, and must therefore be left out of consideration."

When should the plebiscite have taken place?

"Clause III of the text of the treaty of Ancon established that the territories of the provinces of Tacna and Arica were to remain in possession of Chile, subject to the laws and authority of that country, for a period of ten years, reckoned from the date when the present peace treaty shall have been ratified.

"The exchange of ratifications took place on the 28th of March, 1884.

"The decade came to an end, therefore, on the same date in 1894, and Peru legally recovered, from that date, complete authority over the territory, which had only been interrupted.

"For this reason Mr. Jimenez, the Peruvian Minister of Foreign Affairs, in June, 1893, reminded the Chilean Plenipotentiary in Lima of the propriety of returning the provinces which were only temporarily occupied; and later, on encountering resistance by Chile to this request, he proposed that the solution of the difficulty should be referred to arbitration of a friendly power; and later still, on the eve of the expiration of the stipulated date, Mr. Ribeyro, the Peruvian Plenipotentiary in Santiago, once more informed the Chilean Government that its occupancy of these provinces, after the 28th of March, 1894, was illegal.

"The foregoing statement is completely in harmony with the spirit and letter of the treaty.

"Clause III above-mentioned states, as a continuation of the sentence previously quoted, that 'at the *expiration* of this term (that of the ten years) a plebiscite by popular vote shall be decisive.'

"It would indeed have been logical to suppose that the inhabitants, during this decade, would have been exempt from coercion of any kind, which a Government, however much it might be carried away by an ill-advised zeal in favor of its own citizens, might be tempted to exercise over them, substituting instead, all efforts to make the administration of its rule more acceptable."

"The end of the term implies the conclusion of all transitory right, the duration of which was limited by stipulation."

"The term having expired, the uncertain sovereignty of Chile, according to established principles, likewise came to an end in the territories of Tacna and Arica."

"Possession by one party to a contract cannot be prolonged indefinitely, at the mere option of the temporary possessor, when the stipulated term of occupancy has come to an end; more especially when confronted by the protests of the other signatory of the compact."

"No doubt through a realization of this fact your Excellency's predecessor, Mr. Mariano Sanchez Fontecilla, made Mr. Ribeyro, among others, the following proposal: 'it is agreed to extend to the 28th of March, 1898, the period of ten years agreed to in Article III of the treaty of Ancon.'

"Since your Excellency's Government did not obtain this extension, the Peruvian territories should have been returned in compliance with the recognized axiom of universal legislation, which is, that on the expiration of a term of temporary tenancy, the rightful owner recovers complete possession of the substance."

Under whose authority should the plebiscite be carried out?

"* * * The plebiscites of 1860, in favor of France, were effected, according to official documents, *under the authority of officers appointed by the king who ceded Sardinia.*

"The proclamation of this ruler to the people of Savoy and Nice states, 'So that there may be no obstacle to the free expression of your wishes, I am discharging all the principal administrative officials who do not belong to your country, and, for the time being, I am substituting for these several of your fellow-citizens, who possess the confidence and the consideration of the general public.' These new officials drew up, each in his own district, the necessary regulations, directing the Municipal authorities to compile the lists of citizen voters, decide claims, etc., etc.

"The plebiscite of 1866, in favor of Italy, was effected in accordance with the rules laid down by the Sovereign who annexed the territory; but the proceedings were presided over by the Municipalities whose officials were chosen exclusively from among the inhabitants of the districts.

"The French Commissioner, General Lebeouf, as a result, received Venice and handed it over to a Committee of Notables presided by Count Michieli. Victor Emanuel then regulated the proceedings, decreeing that the Municipal representatives of the provinces freed from Austrian occupation should prescribe the appropriate procedure, to ensure the free and legal expression of the popular vote."

"The plebiscite of 1877, which resulted in favor of France, took place under the authority of the *Sovereign ceding the territories*, who issued orders to the Governor of the Island of St. Bartholomew 'to arrange all matters for the voting, establishing the procedure which would have to be observed.'

"The most complete uniformity is to be found in the *modus operandi* of these proceedings; they are always carried out under the authority of the inhabitants of the place which is the object of the plebiscite; should this procedure be followed in the Tacna plebiscite, only residents of Tacna and Arica would be chosen as directing officials.

"With regard to the presidency in these matters, precedents vary.

"In cases of absolute and explicit renunciation, in the name of the Sovereign making the cession, his heirs and successors (an important consideration absent from the treaty of Ancon), it would be logical to allow the annexing country full liberty. However, in two out of every three cases, it is the transferrer who, to quote from official documents, always assumes the presidency of the procedure.

"I have had the honor of proving that the continued presence of Chilean officials in the territories of Tacna and Arica after the 28th of March, 1894, is contrary to law.

"From that which is illegal no rights can be derived. Therefore the right of sovereignty, which Chile never possessed, cannot entitle her to preside over the function; and still less to direct it, uncontrolled; registering the voters, recording the votes for or against the object of her ambitions, computing the ballot and publishing the results."

Who should vote in the plebiscite so as to decide to which State Tacna and Arica shall belong?

"Dr. Alejandro Alvarez, Legal Adviser to the Ministry of Foreign Affairs, states, in one of his publications, referring precisely to the aliens domiciled in Tacna and Arica, 'It is one of the fundamental principles of International as well as Constitutional Law, as observed by all States, that an alien in a foreign country has no political rights; and the highest manifestation of political right is unquestionably, from an international standpoint, that of voting on a measure to

decide to which of two litigant countries a portion of territory, militarily occupied by one of them, shall eventually belong.*

"In his Report to Congress in 1883, immediately after the treaty of Ancon, while the possible influence of the temporary Chilean administration on the plebiscite was under discussion, the well known statesman, Mr. Luis Aldunate, said, 'If all these circumstances should induce the inhabitants of the region of Tacna and Arica to *decide upon adopting Chilean nationality*, according to this supposition, which can be considered as most probable, the *assimilation of our new citizens* would become an accomplished fact, without coercion or disturbances, merely implying a change in the geographical map of Chile.'

"This expression of opinion, coming from a Minister of Foreign Affairs, who went to Lima as a representative of the Santiago Government for the purpose of facilitating the peace settlement, conclusively proves that the voters who were to be induced 'to decide in favor of Chilean nationality'; these 'new citizens' were not the sons of the country of occupation, but were indeed those Peruvians whose 'assimilation' was being discounted, as a result of the 'beneficent' rule in the provinces which were retained.

"The Chilean citizens who reside in these provinces are as foreign thereto as any other alien. Possessing no rights, according to Peruvian laws, their personal status unaffected, whatever the result of the plebiscite; and the fact that their vote in favor of Chilean domination is of vital importance, such actions are no longer a breach of neutrality only, but constitute effective assistance in the prosecution of military subjection, and make the unaptness of Chilean citizens to participate still more evident."

In conclusion Mr. Seoane invited the Chilean Foreign Office to "continue the conferences until an agreement could be reached, and taking the Billinghurst-Latorre protocol as a foundation, adapt to the clauses in dispute such practical conclusions as are furnished by diplomatic precedent, in harmony with the principles of right and justice.

This invitation evoked no response. "The Chilean Ministry," says the Legal Adviser of the Ministry of Foreign Affairs of Chile, "desirous of preventing the continuance of a discussion, useless and even harmful to the anxiously awaited settlement of the difficulties, made no reply to the above note" (the first sent by Mr. Seoane).

* Mr. Alvarez, as will be seen farther on, acting under orders from his Government, was obliged to defend an opinion diametrically opposed to this.

DIPLOMATIC DUPLICITY

The failure of Mr. Seoane's mission was very apparent. The Chilean Government interrupted the conferences. It is, however, necessary to explain the true meaning of the proposal put forward by the Minister Puga Borne. The Chilean Minister of Foreign Affairs proclaimed it in the most cordial and conciliatory fashion, and communicated it to all the South American Governments as a proof of Chile's sincere intention of carrying out the treaty of Ancon.

Puga Borne, addressing Seoane, says:

"I am happy to be able to express my gratification at the high-minded and loyal attitude which your Excellency has invariably maintained throughout our interviews. In an endeavor to adequately reciprocate it, I have constantly labored, scrupulously and in all sincerity, to make the true sentiments which the people and Government of Chile entertain for those of Peru, abundantly clear. * * * Allow me, in conclusion to express the hope that the opinion of your Excellency's Government will coincide with that of Chile in that the various settlements which have been proposed meet the requirements of both countries; that they will put an end to all distrust subsisting between them, and tend to establish a new period of prosperity and the renewal of fraternal relations."

Meanwhile, Puga Borne was sounding the opinion of other American countries. He had an interview with Mr. Lisboa, Brazilian Minister in Santiago, and expressed to him the praiseworthy spirit shown by his Government in its negotiations with Peru. "Lisboa showed some skepticism and, desiring to be forgiven for his frankness," Puga Borne states, "suggested that a more condescending attitude, even if only for the sake of appearances, would, in the estimation of other countries, redound to the benefit of Chile, since these did not in general look favorably on the conduct of Chile in the Tacna and Arica question."*

Puga Borne next turned his attention to the Government of the United States. On the 1st of May, 1908, the Chilean Foreign Office sent the following cable to its Legation at Washington:

* Secret Documents from the Chilean Foreign Office published by "El Comercio" of Lima, 1910. Puga Borne's Memorandum.

"Anticipating the possibility of an unfavorable reply from the Peruvian Republic, absolutely rejecting our proposal, contained in the note of the 25th of March, it appears desirable that you call the attention of the State Department to the dangers which a refusal would imply by postponing negotiations indefinitely. You should also state that this proposal, which clears Chile of the imputation of responsibility for preventing the solution of the difficulty, has been made in the form of an agreement."

Complying with these instructions, the Chilean Minister in the United States, Mr. Anibal Cruz, on that same date, 1st of May, presented a Memorandum to the Secretary of State in Washington, calling his attention, among other matters, to the following:

(Original English of the Chilean Memorandum.)

"The proposal of the Chilean Government, inspired, as it is, by justice and equity, has been submitted with the purpose to reach an understanding with Peru for the settlement of the pending question, and means the most clear vindication of the imputation made to Chile of being an obstacle for the arrangement of that question."

The Chilean Minister, reporting to the Foreign Office, says:

"On handing Mr. Bacon the Memorandum so that he might become acquainted with its contents and transmit them, in a friendly manner, to Secretary Root, I took special care to make the conciliatory spirit, which animated the Government of Chile in proposing a basis for the agreement, very evident, and repeating verbally the substance of the Memorandum and what I had expressed to him on a previous occasion, I called his special attention to the falseness of the imputation attributing to Chile the responsibility for preventing the solution of the problem of Tacna and Arica." *

This was the attitude of Chile as regards her relations with other countries. It is important that this should be properly appreciated. She wished to convince the world that she had made an honorable and fair proposal to Peru for the solution, on equal conditions, of the Tacna and Arica problem. But the conduct of the Government of Chile was completely

* Secret Documents from the Chilean Foreign Office published by "El Comercio" of Lima, 1910. Note No. 79 from the Chilean Legation in Washington.

at variance with this attitude, which can therefore only be qualified as a diplomatic ruse, wanting in sincerity and every honest intention. Mr. Puga Borne himself proves this. In the confidential communication which he sent to the Minister at Washington, Joaquin Walker Martinez, he assured him that

“* * * the proposals, as far as their general tendencies are concerned, will harmonize with the intentions of which the Government of the Republic has notified you, as well as with public expectations—*i.e.*, that any agreement entered into shall be on the understanding of the final retention by Chile of the territory, the definite sovereignty and nationality of which this Ministry considers as being practically decided already in our favor. So as to achieve our purpose a means will be found which, while conciliating the sensitiveness and natural pride of the people of Peru, will provide their country with considerable pecuniary and commercial compensations, which will be effected by a compromise or by ‘direct agreement.’

“We shall undertake this matter in a spirit of generous and cordial sincerity. Should Peru reject it, we shall initiate, in strict compliance with the stipulations of the treaty of Ancon, negotiations for an agreement on the conditions of the plebiscite, in which we shall agree *only to such equality of terms as will carry with them the certainty of victory in the voting, a result of the foresight which we are exercising in securing the good will, both of Peruvians and foreigners, and by increasing the Chilean population of the territory.*” *

In another note addressed to the Governor of Tacna, Mr. Maximo Lira, Mr. Puga Borne expressed himself as follows:

AUGUST, 1907.

“This Department maintains its unaltered purpose, respecting which it has at all times notified the Peruvian Government, to legally secure at any cost definite possession of the territories. This can only be attained by one of the following means. First, absolute possession in exchange of a large sum of money and commercial privileges; and second, the signing of a protocol agreeing to a plebiscite *under such conditions as shall ensure a majority of votes in favor of Chile.*” †

The Governor of Tacna in turn commended the Puga Borne proposal.

* Documents already mentioned. Enclosure with confidential communication No. 71.

† Documents already mentioned. Last part of a communication addressed to the Governor of Tacna by the Minister of Foreign Affairs.

"Having obtained this territory by force of arms, it is incumbent on us to consolidate this conquest through our diplomacy, and this is what you have achieved, skilfully eliminating all danger of some powerful meddler's influence being exerted in favor of the Peruvian cause." *

And in a telegram the Governor of Tacna added:

July 17th, 1908.

"The Peruvian laborers, dismissed from the work on the Arica-La Paz Railway, have dispersed, some going to the nitrate-fields and others engaging in agricultural work in Tacna and Locumba. In Arica only an insignificant number remain.

"LIRA." †

In the very year that the proposal respecting the plebiscite was being made to Peru, and by virtue of a decree of the Chilean Foreign Office, an association was formed in Santiago entitled "*Committee for the Nationalization of Tacna and Arica.*" It may be useful to leave to the appreciation of the reader some of the records of this committee. Here is an extract of its principal purposes.

"Session of the 22d of October, 1908. Consultive Commission on Tacna and Arica.

"The proceedings having been initiated, the Minister reported that the meeting had been specially summoned to hear the opinion of Mr. Lira, Governor of Tacna, who was then called.

"Mr. Lira began by recognizing the importance of the Commission appointed to undertake the work relative to the incorporation of the province within the territory of the Republic.

"Regarding the efforts being made to popularize Chilean nationality, he said that matters were progressing favorably, especially with reference to the latest measure which had been adopted.

"*We have trebled the number of Chilean voters, which previously stood at 425, and have obtained that a considerable number of Peruvian laborers, employed on the Arica-La Paz Railroad, leave the country, which has resulted in the loss to Peru of some votes.*

"*The number of officials must be increased; this will allow us to continue the work and eventually obtain the required number of votes to enable us to face the verdict of the plebiscite with security.*

* Documents already mentioned. Letter to Mr. Frederic. Puga Borne, dated the 3d of July, 1908.

† Documents already mentioned. "El Comercio" of Lima, 1910.

"So long as we preside over the proceedings I guarantee success," stated Mr. Lira.

"Continuing, he said that the buying up of property had received a check due to a publication which had been circulated among certain persons, but he was merely biding his time so as to make renewed efforts. For this purpose he possessed a fund of more than 300,000 pesos, granted by the Law of September, 1906.

"The studies relative to colonization were being prosecuted energetically, and he considered that within a short time it would be possible to settle four hundred Chilean families there.

"He proved the urgent necessity there was for appropriations to be used in transferring the veterans of '79 to Tacna. The Minister replied that this matter was under consideration with General Korner, who was preparing a list of officers on the retired list so as to send proposals to each of them.

"Mr. Luis Antonio Vergara asked to be informed of the exact number of voters in Tacna and Arica

"Mr. Lira replied that, leaving out of consideration the last batch of 1,040 Chilean laborers sent there, the numbers were as follows:

Peruvians	2,326
Foreigners	538
Chileans	425

"Mr. Lira concluded, requesting that further salaried sub-delegacies be created, that bonuses be granted to schoolmasters, and that a department of Tarata be also created, to which important district an active official could be appointed who would be able to conduct a fruitful campaign in favor of Chilean interests.

"The Session closed on a resolution leaving to the Minister the duty of calling the next meeting."

"Session of the 29th of October, 1908.

"Presided by Mr. Balmaceda, Minister of Foreign Affairs.

"The Legal Adviser reported that the Minister, acting on instructions from the President, had desired him to ascertain from the Department of Accounts the exact returns of the expenditures, effected under the authority of the secret Law which placed at the disposal of the Governorship of Tacna 500,000 pesos for propagandist work in favor of the nationalization of that territory, but that the only information which had been furnished him, was to the effect that the total amount had been handed to Mr. Lira, under instructions from the Minister of Foreign Affairs.

"Mr. Puga Borne replied that he had indeed issued a decree of that tenor, because, two days previous to the date specified in the Law, when the funds would have been returnable for inclusion in the

General Income Account, it was discovered that only about 100,000 pesos had been spent, so he considered it a public duty to issue a decree authorizing the Governor of Tacna and Arica to draw against the total amount, which would be applied to the purchase of real estate.

"Mr. Lira stated that he could not give the exact figures of the balance on hand, but that it was in excess of 300,000 pesos, a sum which he kept in reserve to acquire real estate and for the settling of Chilean families, for which he was employing the services of intermediaries, so that Peruvian suspicions might not be aroused, as has been the case up to the present. He added that, owing to the colonization scheme which he would later submit to the approval of the ministry, it would be possible to settle numerous Chilean families there.

"It was resolved that the Governor of Tacna proceed with his plan for purchasing real estate and settling Chilean families, which latter would be furnished by the Commission.

"Also that the negotiations with the Vatican be continued until permission was obtained for Chilean priests to exercise their functions in Tacna.

"That meanwhile the supervision of the conduct of Peruvian priests should devolve on the Governor of Tacna.

"That application be made to the Ministry of the Interior for the creation of the Department of Tarata, and also with regard to the creation of various sub-delegations.

"The approval of these measures called for but few remarks.

"Mr. Puga Borne then said that he had spoken with the contractor of the Arica-La Paz Railway, Mr. Manuel Ossa, by whom he was informed that in March he would greatly push the work of construction on the railway; that he proposed obtaining Italian labor, a measure which the Government could not sanction. He added that at least 4,000 laborers would be required.

"Messrs. Walker, Guerrero, Vergara, Balmaceda, and the Governor of Tacna considered the matter to be very serious.

"It was decided to petition the Government that Chilean labor alone should be employed on the work."

* * * * *

"Session of the 20th of November, 1908, of the Consultive Committee of Tacna and Arica.

"Mr. Maximo R. Lira, Governor of Tacna, then arrived and asked permission to make a statement. He said he had finished his plan for the colonization of Tacna and Arica, which he then proceeded to read.

"In it he proposes that the Government, by means of third parties, should acquire or expropriate land in the province which would then be apportioned for colonizing purposes, this being the most efficacious means of introducing Chilean nationality in the territory, and bring

the voting power of the district up to the required standard necessary to ensure success in an honorably conducted plebiscite, which he advises should be held.

"All married Chileans, fathers of families, who undertake to settle in Tacna shall be counted as colonists, as well as such Chileans which the Government may decide to consider as such.

"Among these latter, preference shall be given to the veterans of '79.

"Each settler shall receive a portion of land; he shall be furnished with cattle and agricultural implements and seeds, and every assistance shall be given him towards building his home.

"The work shall, in all things, be under the supervision of the Committee which operates in Tacna, composed of the Governor, the President of the Court, and Mr. Adolfo Holley.

"After the reading of the particulars of his plan, Mr. Lira observed that funds were required so as to carry out its provisions.

"At the suggestion of Mr. Puga it was decided to apply for them to Congress, for which purpose Mr. Lira would furnish the Foreign Office with all the necessary particulars. This was agreed to.

* * * * *

"Session of Saturday, 21st of November, 1908.

"* * * Mr. Guerrero Bascuñan said that being, as he was, acquainted with conditions in Tacna and Arica, and appreciating the present favorable conditions for increasing Chilean voting power in those territories, he had no objections to make against the decisions.

"Hereupon the Minister of Foreign Affairs arrived and stated that the meeting had been called merely for the purpose of acquainting those members who had been absent from the previous day's meeting of the decisions which had been adopted; as it would be necessary to obtain legislative sanction for these measures, it was important that they should be surrounded with all possible authority.

"Mr. Guerrero Bascuñan said he applauded and approved all that had been decided, but he felt misgivings on one point; what were the means available for irrigation?

"Mr. Lira replied that the studies on the subject were already far advanced, and he was only awaiting a reply from the United States so as to send his report to the Government.

"He said that by means of wooden water-pipes, laid underground, which were being specially made, in the United States, irrigation would be possible and all the land would be made productive.

"He stated, in addition, that he was confident with regard to the possibility of expropriating important tracts of land, under the pretext that the Government contemplated undertaking drainage operations.

"Mr. Cox Mendez expressed some doubts. Could Chilean authorities, without violating ecclesiastical patronage, close churches

which belonged to the jurisdiction of the See of Arequipa? Why were not negotiations with regard to this tentatively undertaken with His Holiness?"

* * * * *

"Session celebrated by the Consultive Committee of Tacna and Arica on Monday, 14th December, 1908, at 2 P.M.

"* * * The under-secretary read the communications which the Departments of the Interior and of Justice would send to Congress relative to reforms in the administration of Tacna and Arica.

"One, authorizing the appointment of a judge with jurisdiction in Tarata, and another, increasing the number of, and granting a higher scale of pay, to sub-delegates, inspectors and officials of the Municipal registration offices.

"Mr. Lira expressed himself as much gratified with both measures, which he had repeatedly advocated. He congratulated himself on having undertaken the journey to Santiago and to have had the occasion to meet a committee as patriotic as it was well inspired and fully alive to the requirements of the provinces of Tacna and Arica. 'With measures such as these,' he said, 'victory is ours; I can guarantee it.'

"The under-secretary said that he awaited permission from the Meeting to carry the communications to the State Council, which was then in session, so that it might pass upon them.

"Mr. Walker Martinez said that, as far as he was concerned, the measures had his entire approval.

"Messrs. Guerrero Bascuñan, Vergara, Santa Cruz, and Adolfo Guerrero each concurred.

"The under-secretary then left to carry out his errand."

Mr. Alejandro Alvarez, the Legal Adviser to the Chilean Department of Foreign Affairs, and at present permanent Secretary of the American Institute of International Law, was entrusted with the task of explaining, as clearly as possible, the purposes of Mr. Puga Borne's proposition.

This gentleman thereupon took advantage of the occasion to issue a series of statements which must have caused profound astonishment to all right-thinking men of America; statements which require to be given the widest publicity, and, stripped of all commentary, left to the verdict of public opinion. The following are the statements of the Legal Adviser:

"The negotiators of the treaty of Ancon, when stipulating that Tacna and Arica were to remain subject to Chile until their status should later be declared through a plebiscite, merely gave this measure

the value and meaning which diplomatic history and international practice are agreed to accord to these. As the negotiators were men accustomed to political dealings, they chose the form of the plebiscite, not in its theoretical or legal aspects, but as the most appropriate solution of the difficulties besetting the Peruvian Government; that is to say, a practical and honorable means of sanctioning the annexation of these territories, making it acceptable to popular opinion in the conquered country.

* * * * *

"This practice of applying a plebiscite as a means for confirming territorial annexations originated during the French Revolution, as a consequence of a principle, proclaimed at the time, of government by the people.

"The National Convention of 1792 realized, nevertheless, that it would be dangerous to apply this principle in every case in the relations between State and State, so it endeavored to conciliate the dogma of sovereignty and the promises of brotherhood and assistance which it had spontaneously tendered to all nations, with the necessity and natural desire felt by the French people to extend their frontiers.

"The Assembly did not hesitate in reaching a decision; confronted by the requirements of its foreign policy, all questions of principle, however fundamental they might be, must be subordinated thereto.

* * * * *

"The lesson derived from the plebiscites carried out during the French Revolution is, therefore, highly instructive.

"The very statesmen, who declared that no territorial gains, especially those obtained through victory, could be countenanced without the consent of the inhabitants, recognized that, in actual practice, it was impossible to equitably apply this doctrine, when the necessity of the conquering nation was opposed to it; a doctrine which Carnot crystallized when he declared, in 1793, that, with regard to annexations, there existed a principle that was superior to the wishes of the people, which was 'to prevent the imposition on us by some other State of its rule.'

"The treaty of Prague of the 23d of August, 1866, which ended the war between Austria and Prussia, stipulates that the former yields to the latter its rights in the Duchies of Schleswig and Holstein, which both countries had conquered from Denmark, and it adds that, should the inhabitants of the districts of northern Schleswig by means of a free vote, express their desire to be reunited to Denmark, the territory should be returned to that country.

"This clause was inserted in deference to the wishes of Napoleon III; but its execution was never seriously contemplated. Should the people have been consulted, the result would have been favorable to Denmark, since the population of the districts where the plebiscite would be held was Danish. Bismarck declared, on more than one

occasion, that it was useless to make this appeal, because, should the verdict go against Prussia, it would affect its military frontiers and consequently endanger the safety of the country, which was a matter, in his opinion, which could under no circumstances be left to popular decision.

"On the 12th of January, 1867, Prussia published the decree adding these two Duchies to the Crown, disregarding the stipulation or reservation which the treaty of Prague established in favor of the inhabitants of northern Schleswig.

"In the treaty of Vienna of the 11th of October, 1878, between Austria and Prussia, the stipulation relative to the plebiscite was not considered, the parties declaring that this was omitted 'in view of the difficulties which the observance of the principle established in Article V of the treaty of Prague would occasion.'

"Such historical precedents relative to the annexation of Schleswig and Holstein to Prussia are, both by the form they took and the importance of the countries which effected the negotiations, of great consequence in international practice.

"Two great powers, Prussia and Austria, established a precedent which points the way to be followed by other nations, should disagreements or conflicts arise relative to the carrying out of some of the clauses of a treaty, however solemnly agreed to and ratified. In a case when the harmony and general good of a people were at stake, and confronted by practical and more enduring interests, clauses agreed upon (in this case that of the plebiscite) are allowed to remain unfulfilled by mutual consent when their observance is embarrassing or when they may occasion uneasiness or disturbances.

* * * * *

"None of the statesmen who, during the nineteenth century, have guided the destinies of great nations, have been so ingenuous as to leave to the hazards of an unconditional plebiscite, pregnant with uncertainty, the definite sovereignty of a territory, the incorporation of which with their country was demanded by the inevitable force of circumstances or by political or military necessities, duties which nations cannot always disregard without risking their security and the peace of their people.

* * * * *

"Any different interpretation of the purpose of plebiscites, other than that recorded by the history of diplomacy, is, therefore, unknown, since according to it, in all contracts wherein popular opinion is predicated as conditional for the transference of territory, absolute cession has always been agreed upon as an accomplished fact.

* * * * *

"If Peru placed the Provinces of Tacna and Arica under Chilean sovereignty, with the stipulation that a plebiscite should determine the definite nationality of the territory, it is only logical to suppose

that the negotiators of the compact had some motive in adopting this method and that they were guided by the precedents furnished by the history of this measure.

* * * * *

"The plebiscite, indeed, allowed public opinion in Peru to entertain hopes that the territories of Tacna and Arica would only temporarily remain under our rule, and that, at the end of ten years, the vote of the citizens of the region would restore them to their former allegiance.

"On its side, the Chilean Government expected that this term would be sufficient to convince the holders of this opinion that the provinces would remain definitely incorporated with our country, without a plebiscite or through one held merely for the sake of appearances.

* * * * *

"On the other hand, had the plebiscite of 1883 been subscribed in all sincerity, as Mr. Seoane maintains, the negotiators of the measure would have given specific expression of this intention, or mention would have been made in the body of the document of the conditions under which the plebiscite was to be carried out; or again, they would have referred these conditions to some other protocol, drawn up jointly with the principal agreement, as occurred in the treaty of Vienna of the 4th of October, 1866 (Art. VII), and in the treaty of Paris of the 10th of August, 1877 (Art. I), or, finally, they would at least have decided upon the manner of solving such difficulties as might arise with reference to the conditions of this subsequent protocol. The proof of this is conclusive, for the negotiators must have known that, since contrary and irreconcilable interests existed between the two countries, this fact alone meant that, should one of the alternatives above mentioned not be adopted, any future agreement was impossible.

* * * * *

"In the cases mentioned by history, plebiscites have been carried out shortly after having been agreed to, because they referred to cessions which were unopposed by the transferrer. *In the case of Tacna and Arica, as the cession was not voluntary, and as it was not desirable to carry it out forcibly, the term of ten years was stipulated, a period which was considered sufficient to enable the Peruvian population to become reconciled to the definite incorporation, which it believed would be temporary only, of its territory with Chile, without a plebiscite or through one which would result in favor of our country.*

* * * * *

"The various considerations which have been stated here conclusively prove the right of Chile to maintain that the Provinces of Tacna and

Arica were ceded by the treaty of Ancon; that the stipulated plebiscite was a mere pretense, and that, like all those which have taken place up to date, it must be carried out in such a manner as to be favorable to annexation.

"From this standpoint, and in accordance with the principles of International Law and diplomatic precedents, the measure, should it take place, must be carried out under the exclusive direction of Chilean authorities; and so that a favorable verdict be obtained, the right of voting shall be restricted solely to Chilean residents in Tacna and Arica, since they are the citizens of the country which is in effective control and because they are ready to vote in favor of annexation."

* * * * *

"Neither should it be supposed that the term of ten years was decided upon so as to allow Chile sufficient time to win over the inhabitants of the region, for this would be equivalent to supposing that the negotiators of the treaty allowed themselves to be influenced by delusions, incompatible with the natural foresight common to statesmen. They could never reasonably suppose that a ten-year tenancy by Chile in Tacna and Arica would incline in our favor the feeling of the native population of the land. It would be an undeserved reflection upon their intelligence to suppose them ignorant of, or to have forgotten, the lessons of history which offer examples of territories subjected for more than a century to the domination of powerful nations, and which, nevertheless, still maintain an enduring attitude of protest against their subjugation.

* * * * *

"If Chile has not exercised the right conferred by the treaty of Ancon which definitely ceded Tacna and Arica to us, it is solely on condition that Peru shall consent, among other agreements, to the carrying out of the plebiscite under such conditions as are proposed. It is, therefore, inconceivable that failure to agree to these conditions should be made the subject of arbitration.

* * * * *

" * * the Chilean Government does not make the mistake of considering arbitration a panacea for solving all manner of conflicts or disagreements, as happens with certain idealists, guided by humanitarian and generous principles rather than by the practical realities of international affairs.*

* * * * *

"In many cases and on several subjects, as is proved by International Law, it is neither possible nor convenient to settle disagreements in this manner. It is then necessary to find a solution of the difficulty by means of reciprocal good will, since such mutual under-

standing has been, at all times, the truest and safest guarantee of peace between nations.

"In the case of Tacna and Arica the question at issue is of vital importance to our country, for on it depends the safety of its northern frontiers and the maintenance of its sovereign rights, and, in the present state of International Law, such matters are not susceptible of solution by arbitration.

* * * * *

"Since the present conflict, owing to its very origin, its antecedents and peculiarities, cannot be submitted to arbitration, the difficulty, whatever the point of view from which it is considered, is only capable of one solution.

"From a *strictly legal standpoint*, the failure of the contracting parties to agree on the conditions of the protocol, which, according to the stipulations of the treaty of 1883, is to be concluded, renders the execution of this measure impossible, and, therefore, nullifies that clause, though it does not affect the validity of the treaty itself.

"The reason for this contention is that the agreement, as far as its object and the intention of the negotiators is concerned, is not absolutely necessary to the life of the treaty itself, *notwithstanding the stipulation that it must be considered an integral part thereof*, since the clauses which constitute and complete an international compact are not all of them indispensable.

"The disregard of this clause would consequently also carry with it the non-fulfillment of the obligation, in the execution of which Chile stands to lose possession of Tacna and Arica. The adoption of this course would assure to Chile the definite possession of the territories, and merely imply the obligation to pay Peru the ten million pesos stipulated in the peace treaty.

* * * * *

"*On the other hand, looking at the matter from a statesman's point of view, who should be guided in his decisions more by diplomatic precedents and political expediency rather than by the rigorous precepts of Common Law, Chile can ask Peru to modify that part of the peace treaty which refers to the plebiscite, offering in exchange adequate compensation.*

"By acting in this manner, Chile could invoke in her favor the important precedent of the abrogation of Article V of the treaty of Prague, as well as the opinions of well-known writers, especially that of Holtzendorff, who, referring to the abrogation of this article, says: 'it is sometimes expedient, according to the conventional interpretation of International Law, and so as to preserve harmonious relations between nations, that an agreement be legally annulled in time, when in the course of events it is evident that this stipulation cannot be carried

out and when a want of understanding on its account merely furnishes cause for disturbances and unrest.'"

* * * * *

The reading of these documents will make the want of success which attended Peruvian diplomatic efforts easily understood. Peru sought, as it still does, a loyal and honest agreement capable of settling the consequences of the war of the Pacific. If the peace treaty stipulated, as a condition favorable to Peru, the return of two of her provinces, subject to their own decision, it would be natural to expect that the agreement with Chile, to decide the conditions of the plebiscite, would be duly carried out. Chile pretended that this was her intention and presented to Mr. Seoane a proposal, which the Minister, Mr. Puga Borne, characterized as sincere, equitable, and friendly for the carrying out of the plebiscite in Tacna and Arica. But meanwhile an accidental circumstance revealed the unmistakable duplicity of Chilean diplomacy. The news service of a paper discovered, in what manner has never been revealed, a series of secret documents, the property of the Chilean Foreign Office at Santiago. From these it was apparent that the purpose of the negotiations was not the sincere discussion to decide the manner of carrying out the plebiscite, which it had been given out to be, but was merely an international comedy, whose object it was to effect, while the countries were at peace, a further division of its territory, contrary to the wishes of its inhabitants. Meanwhile, Chile was feverishly passing one law after another, all tending to illegally compel the Peruvian inhabitants to forsake their nationality and become citizens of the victorious nation. Puga Borne's diplomatic move was, therefore, neither sincere nor honorable. It was a stratagem unworthy of a civilized country, undertaken with the intention of achieving an unlawful purpose by means of false evidence and very questionable expedients. The Chilean Legal Adviser, Mr. Alejandro Alvarez, mentions the conduct of Prussia, in the treaty of Prague respecting Schleswig and Holstein, as an example worthy of imitation; he considers it a precedent "of vital importance," which "points the way for nations to follow," and declares, with the utmost moral shame-

lessness, that no statesman "has been so ingenuous as to leave to the hazards of an unrestricted plebiscite, with its attendant uncertainty of results, the definite sovereignty of a territory, possession of which was dictated by the force of circumstances or political and military necessities."

Not a single additional word is necessary to define Chile's foreign policy. The Legal Adviser has expounded it with admirable fidelity. The only disadvantage is that his voice sounds, especially at the present time, as though issuing from some mediæval cavern.

CHILEAN ENMITY

The inflexible determination of Peru to resist a cession of its provinces exasperated the Chilean politicians to a supreme degree, and as a consequence the Government of this nation intensified its campaign of hostility towards Peru, not only in the territory of the provinces themselves, but also in the field of Peruvian international relations. "El Mercurio" of Santiago, the official organ of the Chilean Foreign Office, edited by Mr. Agustin Edwards, declared, at the time when these events occurred, that "Chile would extend her diplomatic action in all those directions where Peru might be made to feel that, whoever refused Chile's friendship must assume the consequences of being considered an enemy and, as such, to prepare for decided hostility."

This emphatic and exotic threat was carried out to the letter by the Chilean Government. It has continued to this day. The most salient features of Chile's conduct, which are quoted here owing to the prominence which they acquired in South American politics, refer to the underhanded activity exercised by the Chilean Foreign Office in the arbitration agreements, concluded by Peru with Bolivia, Ecuador, and Colombia, for the purpose of peacefully and equitably settling the frontier disputes pending between them. The Chilean Foreign Office interfered in an endeavor to frustrate all arbitration, and when the verdict of one of these, between Bolivia and Peru, was given out by the Argentine Government, Chile

engineered and encouraged the refusal of Bolivia to recognize the verdict and endeavored to drive her into a war against Peru.

It is indeed painful to have to record the attitude of Bolivia on this occasion. We only wish, therefore, to fulfil a duty in stating the historical facts such as they are, and will refrain from commenting unfavorably on them. The truth, however, is, that when the decision of the Argentine Government was given out, which had been reached in the most loyal and equitable spirit, it produced a perfectly incomprehensible agitation in Bolivia. The Argentine and Peruvian Legations were the object of violent aggressions by the mob, which typified the disrespect entertained for international justice. The Government, meanwhile, alleged various motives and pretexts for evading compliance with the verdict, although it had previously agreed to respect it. This unscrupulous attitude of Bolivia was encouraged by Chile. The telegrams which are quoted below are a proof of this. These documents were obtained by a Peruvian newspaper and published by it at the time of the conflict. Here are a few of them:

“LA PAZ, 11th July, 1909. Bolivian Legation—Santiago.—Report respecting the attitude of the Chilean Government with reference to the arbitration verdict in our boundary question with Peru. Much indignation is felt here against Argentina and Peru. Dominant impression is that the verdict must be rejected. Government is awaiting certain information so as to be able to define its attitude, and has instructed our Legation in Argentine not to attend the audience, at which its presence was requested, for the purpose of hearing the verdict. Last night mobs stoned the Legations of Argentina and Peru. To-day they are being protected by troops.

“GOYTIA (Minister of Foreign Affairs of Bolivia).”

“SANTIAGO, 12th July. Minister of Foreign Affairs—La Paz.—Public opinion and press display much interest in view of Bolivian indignation against verdict. Sympathy for Bolivia is sincere, decided and unanimous. Minister of Foreign Affairs tendered offer of spontaneous mediation by American states to avoid conflict and wishes to proceed in conjunction with Brazil. ‘The Government of Chile,’ he says, ‘desires that the disassociation of the Argentine Republic from the conflict be secured, so that Bolivia may then count upon Chile’s decided and absolute sympathy.’

“ARCE (Chargé d’Affaires of Bolivia in Chile).”

"LA PAZ, 13th July, 1909. Bolivian Legation—Santiago.—Government has decided not to accept verdict and desires to maintain a serene attitude so as to give more weight to its cause. Escalier has received secret instructions which have not been communicated to any one, even here, so that he may notify the Argentine Government that the verdict will not be accepted.

"GOYTIA."

"SANTIAGO, July 13th, 1909. Minister of Foreign Affairs—La Paz.—When it became publicly known that Peru is sending troops to the frontiers of Bolivia, a wave of enthusiasm in favor of Bolivia was manifest. Minister and leading men have expressed intense sympathy for Bolivia, and they tell me that enthusiasm is restrained for fear that Bolivia may place them in an awkward position. *They offer to launch Ecuador against Peru, and many well-known officers, who have studied Peru, say that to hesitate or to show signs of fear would mean the loss of Bolivia, perhaps even her ruin, and that a foreign war is better than a civil war.* They consider that if Bolivia appears determined to go to war, Peru will draw back. They suggest that the Legation advise the Government of Bolivia to mobilize its troops immediately.

"ARCE."

"LA PAZ, July 14th, 1909. Bolivian Legation—Santiago.—State definitely who advises the mobilization of troops.

"GOYTIA."

"SANTIAGO, July 15th, 1909. Minister of Foreign Affairs—La Paz.—According to weightiest opinions, Chile thinks Bolivia should ostensibly mobilize troops and not expect justice to be done except as may be secured by an attitude expressive of a determination to go to war. Minister of Foreign Affairs gave me the information respecting the mobilization of Peruvian troops towards Bolivia.

"ARCE."

"SANTIAGO, July 17th, 1909. Minister of Foreign Affairs—La Paz.—Government of Chile urgently counsels Bolivia to enter into agreement with Ecuador, and as there are no legations accredited to either country, authorizes the Chilean Minister at La Paz to communicate in cipher with the Chilean Minister in Ecuador. Minister of Foreign Affairs repeats the necessity for re-establishing cordial relations with the Argentine Republic so as to isolate Peru. Believes war with that country inevitable even if Bolivia is not prepared to undertake it. Chile will observe neutrality. Consider myself authorized to offer almost all the equipment which will be required, one hundred sergeant instructors and one hundred officers. In

addition he asks me to ascertain what amount of money will be required to amply meet all emergencies. Lose no time, because, should Bolivia delay preparations, the hand of Chile will be seen. We shall lose nothing by our foresight in being armed. It may be a fatal error to believe in peace with Peru, whose intentions are not known by other nations.

“ARCE.”

“SANTIAGO, July 19th, 1909. Minister of Foreign Affairs—La Paz.—Peru continues sending troops on war footing. The moment is favorable for realizing our aspiration regarding an outlet to the sea. Chile guarantees victory for us, furnishes money, arms, officers, troops, obtains the assistance of Ecuador and Brazil and Argentine neutrality. Even if only conditionally I beg you to accept the offer. This is the most vital moment in our history. Chile asks for nothing in return; she only wishes to put an end to the matter of the captive provinces. She might even go so far as guaranteeing the definite possession of our port. I beg you will immediately advise whether you require as much as a million pounds or more and if you can give as security the customs receipts or anything else.

“ARCE.”

“LA PAZ, July 22d, 1909. Bolivian Legation—Santiago.—We require fifteen thousand rifles; fifteen million rounds ammunition; twenty-four machine-guns and their respective complements; thirty field-guns with ammunition, horses, and harness; three hundred horses with their saddles; two hundred mules. If the Government (of Chile) can furnish us with this equipment, it must be shipped at once to Antofagasta. We require in addition one million pounds sterling to undertake a long campaign free from anxiety respecting funds. With regard to commanders and officers which we might require, await later instructions.

“MONTES (President of the Republic of Bolivia) GOYTIA.”

“SANTIAGO, July 22d. Minister of Foreign Affairs—La Paz.—Government is acting through intermediaries unofficially. It would appear as though the Bolivian Government had not approved my conduct, for I note that difficulties are being put in my way. The necessary equipment will soon be shipped. With reference to the loan of one million, it will surely be obtained, but the Legation requires the necessary powers to treat, giving as security the customs of Antofagasta or some other subsidiary customs house.

“ARCE.”

“LA PAZ, July 22d, 1909. Bolivian Legation—Santiago.—Government has not disapproved your procedure. Quite the con-

trary. I ratify the arrangements respecting armaments through the Chilean Minister in La Paz. You can show this telegram to the Minister of Foreign Affairs. The shipment to Antofagasta of the armament is very urgent, as well as that of the horses and mules. Minister Alberto Guterrez will be in Antofagasta on the 31st and will proceed as rapidly as possible to Santiago. Referring to the security for the loan, you can expect news to-morrow. We are informed that Peruvian agents in Valparaiso are buying horses, mules, and stores there. Twenty-seven hundred troops of all arms will soon arrive at Puno, which the Lima Government has sent there.

“MONTES-GOYTIA.”

“LA PAZ, July 23d, 1909. Bolivian Legation—Santiago.—The rifles ordered must be Mauser modern type, caliber seven millimetres, and the munition to fit the rifles which we already have.

“MONTES.”

“SANTIAGO, July 23d, 1909. Minister of Foreign Affairs—La Paz.—Government guarantees that stores for Peru shall not be allowed to leave Valparaiso. With regard to those which have been offered to Bolivia I shall advise when they leave. I repeat that Government is dealing through third parties, for financial concerns are acting on a commission basis. I could obtain no further particulars to-day. Shall send them to-morrow.

“ARCE.”

“LA PAZ, July 23d, 1909. Bolivian Legation—Santiago.—Urgent. Let us know the conditions for the million-pound loan. Apart from other security we offer that of the receipts from the Antofagasta Customs House. Let us know when you will ship armaments.

“MONTES-GOYTIA.”

“LA PAZ, Bolivian Legation—Santiago.—‘El Comercio’ of Lima publishes news to-day that Chile offers Bolivia money and arms and asserts it possesses full information, which cannot be true, since we have maintained the utmost secrecy with regard to the arrangements we are effecting. Very probably the publication is merely the outcome of Peru’s suspicions, due to our firm attitude.

“MONTES-GOYTIA.”

“SANTIAGO, July 24th, 1909. Minister of Foreign Affairs—La Paz.—Minister of Foreign Affairs suggests that Bolivian Government issue official denial. The Bolivian cipher should be changed.

“ARCE.”

"LA PAZ, July 24th, 1909. Bolivian Legation—Santiago.— Legation in Peru has been immediately instructed to correct the statement made by 'El Comercio' of Lima respecting the telegrams signed by President Montes and Minister Goytia. You can offer the receipts of the customs of Antofagasta as security for the loan, stating that these amply suffice to cover the interest, since the income exceeds two million bolivianos.

"GOYTIA."

Let us see what the Chilean Government was doing in Tacna and Arica. It had passed a colonization law, promulgated towards the end of 1909, granting to Chileans and their families who were willing to settle in the Peruvian provinces free transportation to the place of residence, free freight for their baggage, household goods, tools, and implements; a daily pension in advance, of two pesos for the head of the family and his wife, one peso fifty centavos for each male child over twenty years of age, and one peso for each child above one year and under twenty, reckoned from the date of leaving their place of residence; a three-roomed house; to those settling in the vicinity of the city of Arica and in the valley of Azapa, a windmill; the agricultural implements which the special kind of farming would require, and seeds and plants up to the amount of one hundred pesos. This curious legislative measure placed the Province of Tacna under the direct jurisdiction of the Ministry of Foreign Affairs, as appropriate territory for colonization; it authorized the President of the Republic to spend the necessary sums for building purposes and the construction of works profitable to the State; to undertake expropriations; and, finally, created the Department of Tarata composed of further territories taken from Peru, in addition to those stipulated in the treaty of Ancon.

To adequately appreciate the purpose and far-reaching influence of this Chilean legislative effort it will only be necessary to read the opinion expressed by the paper "El Chileno," printed at the time. This publication stated that "to all intents and purposes Tacna and Arica now effectually become part and parcel of the Republic."

And so that the constructive colonization campaign would coincide with the work of eliminating the Peruvian inhabitants

in those provinces, the Chilean administration dismissed Peruvian laborers from their work, ruined industrial enterprises owned by Peruvians, closed the churches and suppressed the newspapers, and, in fine, abolished all the natural rights of the Peruvian population in an endeavor to make them forsake their homes.

Under date 30th September, 1909, the Peruvian Foreign Office protested to that of Chile against the closure of the church of Arica, the colonization schemes and the creation of the department of Tarata.

"* * * It is inadmissible," said the Peruvian Minister of Foreign Affairs, "that this régime of preferences and exceptions, as obtains in Tacna and Arica, should continue. It was agreed that these districts would be governed according to Chilean laws during the period of Chilean occupation, so that the motive for the action of the local government, in withdrawing the protection which these same laws are supposed to afford, cannot be conjectured; it is evident that to arbitrarily deprive a people of the means for the observance of their religious practices constitutes the denial of one of their most natural and necessary rights.

"I must likewise call your Excellency's attention to the propriety of discontinuing the preparations for the colonization of lands and creation of the Department of Tarata. This last practically amounts to the occupation of part of the Province of Tarata, a matter which called forth, on a previous occasion, protests from the Peruvian Government, based on the expressly stipulated clause of the peace treaty which determined the boundaries of the territory comprising the provinces of Tacna and Arica, in which that portion of the Province of Tarata to which I refer is not included.

"The colonization measure is contrary, in its very spirit, to the stipulations of the treaty of Ancon determining the period of occupation; because, indeed, the mere occupier has no right to dispose of that which does not belong to him, and still less under circumstances when this occupation may cease at any moment, owing to the expiration of the term."

The Chilean Minister of Foreign Affairs, Agustin Edwards, replied to the foregoing protest in a note dated the 5th of November, 1909. His principal declarations are the following:

"* * * Decisions which are adopted in exercise of the right granted by sovereignty cannot be the subject of international controversy, because they refer to particular and internal measures

which are, owing to their very nature, beyond the criticism of other nations. And if your Excellency will pause sufficiently to consider that the measures, adopted with regard to the churches and parish priests, refer to public institutions and public servants, subject, therefore, to the absolute guardianship and supervision of the State, you must see that your remarks are out of place in so far as they apply to them.

"The creation of the Department of Tarata merely implies a physical division to ensure a more effective application of administrative rule in the territories subject to Chilean sovereignty by the treaty of Ancon; and my Government, therefore, considers that this particular and internal measure cannot be made the subject of claims on the part of the Peruvian Government, as it would likewise be outside its province to protest against the fusion into one department, for the better government and in the interests of the inhabitants, of those two which at present constitute the Province of Tacna.

* * * * *

"The colonization laws which will be applied in Tacna are the same as those which obtain in other provinces in the territory of the Republic; and as a further proof of this I might add that, at the time when the treaty of Ancon was subscribed, the greater part of these same laws was already in force.

"Your Excellency is well aware that there can be no exceptions made to the application of Chilean laws in the territories in dispute; if it had been the intention of the negotiators of that treaty to prevent the possible application in those districts of the colonization measure, they would have expressly mentioned it in the treaty."

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The Peruvian Foreign Office amplified its protest in an interesting note dated the 26th of December, 1909. The following statements are taken from this communication:

"The Peruvian workers who, in Arica, earned their living as boatmen or as shore laborers, have been forced to discontinue these trades. Numerous groups of these men have been obliged to emigrate from their native land, where, by degrees and systematically, their fellow-countrymen are deprived of the very right to work, and of the protection of the laws. Foreign merchants deem it inconvenient, or a disadvantage, to employ Peruvians, because these are antagonized in the Customs House; as a general rule, for them to come in contact with a Government official, or with any one who is even remotely connected with the administration, is equivalent to raising obstacles in the carrying on of their business, which are exteriorized in animosity

towards and persecution of all persons who desire, at any cost, to maintain their loyalty to Peru.

"The same occurs in Tacna. Factories are being built, or their erection is being contemplated, with Government aid, for the purpose of engaging in competition with Peruvian industries already established many years back. It is thought that the object of these measures is to compel the old-established manufacturers to close down their works, throwing their workmen out of employment, who will then be obliged to emigrate. Since these measures do not come under the definition of private competitive initiative, but under that of State-assisted competition, the creation of these industries can legitimately be protested against, since their only purpose seems to be the dispossession of those already established and the ruin or the destitution of the Peruvian families which live thereby.

"The closure of churches is likewise an unprecedented measure."

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The Peruvian protest proceeded to indicate to the Chilean Foreign Office the legal consequences of the expiration of the ten-year term, stipulated in the treaty of Ancon for the holding of the plebiscite, as follows:

"The ratifications were exchanged in March, 1884, therefore the expiration of the term agreed upon took effect in March, 1894. There is no question of a minimum; it was a definitely fixed period, at the end of which a plebiscite was to be held, which was not held then nor has it been possible to hold it since, notwithstanding the lapse of so many years, because Chile has refused to agree with Peru respecting the rules which are to govern the carrying out of the plebiscite. Neither has it consented to submit to arbitration the points at issue, which have prevented an agreement whenever conferences on the subject have been undertaken.

"Due to this well-known circumstance, and because the raising of difficulties for the recovery of its provinces could naturally not be imputed to Peru, no one can doubt that the sixteen years of Chilean occupancy, which the treaty never contemplated, are a direct result of the premeditated attitude of your Excellency's Government. This continued occupation, therefore, merely constitutes a fact which implies no responsibility for Peru.

"This state of affairs may end at any moment. Taking this fact alone into consideration and excluding the circumstance that the condition of affairs in March, 1894, is that which legally determines the solution of the problem, it follows that, the holding of the plebiscite being considered imminent, this possibility is incompatible with the political measures which have lately been adopted, since the innovations which have been undertaken or devised would pre-

suppose the possession by Chile of a clear title, by virtue of which she might proceed as best suited her interests, maintaining present conditions, secure from the possibility of all contention.

"But since Chile has no such title, her attitude should be one of preparation for the realization of the plebiscite. She has had, during the ten years to which her tenancy was limited, the opportunity of gaining the sympathies and the attachment of the inhabitants of Tacna and Arica. It is well known that the term of occupation came to an end, and that Chile failed to secure the good will of the inhabitants, which virtually amounted to a verdict respecting the nationality of the territory. To imagine that by merely delaying the event, in opposition to the constantly expressed intentions of Peru, and, after the lapse of sixteen years, during which the return of the provinces has been in abeyance, to believe that this delay entitles Chile to issue a series of measures all tending to secure a majority of votes in her favor by the substitution of the voting part of the Peruvian population, is a flagrant distortion of the intention of the framers of the treaty; it is, moreover, an attempt to arbitrarily effect in the space of twenty-five years what could not be accomplished by legal methods in ten.

"That the measures are illegal which have been recently put in practice by the authorities of Tacna and Arica, has been proved by my Government at various times. Even under the irregular conditions which obtain in the territory of Tacna and Arica at the present time, and in the supposition that the period of occupation, not contemplated by the treaty, should be regarded as perfectly legitimate, even then it is impossible to maintain that the spirit of the treaty can have been changed owing to the mere passage of time, and that it is now lawful for the occupier to impose on the Peruvian residents, the régime of exclusion which finds concrete expression in their expulsion from their native land.

"It was not thought necessary to include the express stipulation, guaranteeing to the inhabitants of Tacna and Arica the enjoyment of their natural rights, in Clause III of the treaty of Ancon, since this was a logical deduction following the signing of peace terms, which followed the state of war, and was also due to the expectations entertained by Peru, derived from the agreement which had been entered into, relative to the decision by vote of the future nationality of the provinces. Between the period of military occupation and the time when the definite sovereignty would be decided a period of ten years was stipulated, during which the territory was placed under special conditions. This situation is distinguished, in the first place, by the expectations of both parties, and in the second by the Peruvian nationality of the inhabitants, on one hand, and the Chilean nationality of the administration on the other. The presence of these two factors is the reason why it was agreed that Chilean laws should

apply in the provinces; but it is also due to these factors that this agreement cannot be interpreted as extensively, and in the same sense, as that possessed by Chilean laws in any of the other provinces which are part of the Chilean nation. There are laws, in the absence of which the normal life of a civilized people cannot be conceived. The agreement entered into by both countries referred precisely to such laws, which may be considered indispensable, since they furnish protection and guarantees under normal social conditions; but it did not refer to those possessing political tendencies or to such as were a consequence of the absolute exercise of sovereignty. It would have been extraordinary, for instance, that the inhabitants of Tacna and Arica should have taken part in the elections to appoint Senators or members of Congress or in the election of the President of Chile, because when they became part of the special régime which has been mentioned above they did not, as a consequence thereof, lose their Peruvian nationality.

"Chile is not only obliged, by the nature of things, to respect the feelings of the people and not to exercise over them any but the ordinary attributes, a consequence of the above-mentioned guarantees, but it is also her duty not to compromise their future nor to definitely dispose of what belongs alone to the real owner of the territory; nor should she pass laws which are not consistent with the transitory character of her occupation.

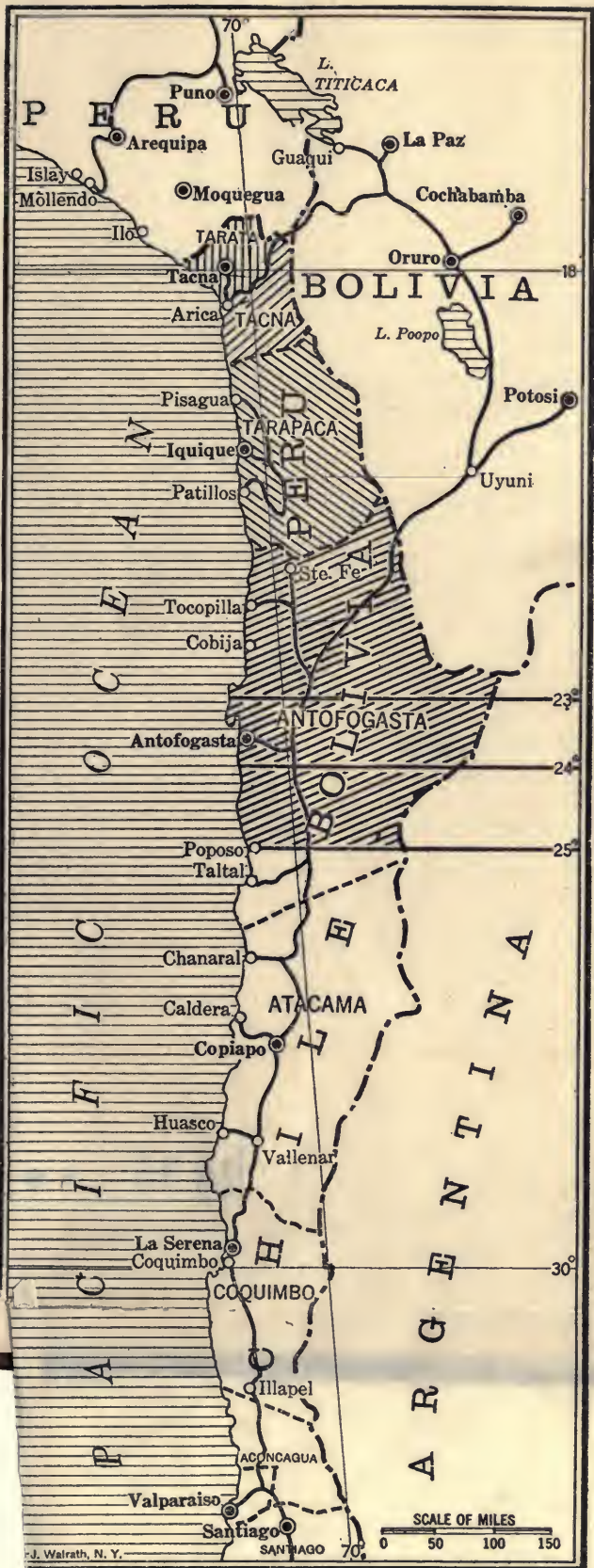
"For these reasons the projected colonization and expropriation measures are absolutely inadmissible.

"The principal motive seems to have been the substitution of the ownership of property; that is to say, that Peruvian farmers be substituted by those of Chilean nationality.

"The transfer of private property, effected spontaneously, is one thing, but to oblige the owner of an estate to sell against his wishes, not in the interest of the public, but merely so that Chilean residents should settle thereon instead of Peruvians, is quite a different matter.

"Your Excellency may rest assured that we shall never voluntarily abandon, whatever the inducement, a territory which is an absolute part of our nation and whose history is bound up with our own ever since we attained our independence. Peruvian national sentiment on this point will never vary, nor can it otherwise reciprocate the constancy and patriotic self-denial of her sons."





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